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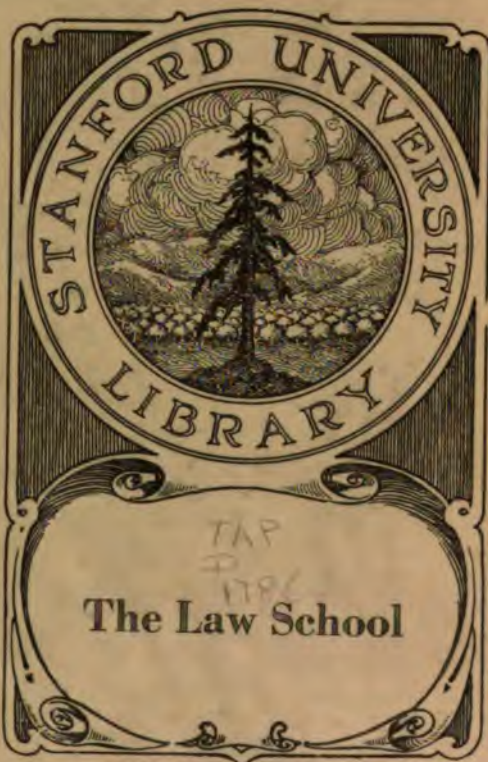
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# The CHARTER granted by His Majesty King CHARLES the Second, &c.

**C**HARLES the Second, by the Grace of GOD, KING of England, Scotland, France and Ireland, Defender of the Faith, &c.

To all to whom these Presents shall come, GREETING.

*Whereas by the several Navigations, Discoveries, and Successful Plantations of divers of Our loving Subjects of this Our Realm of England, several Lands, Islands, Places, Colonies, and Plantations have been obtained and settled in that Part of the Continent of America called New-England, and thereby the Trade and Commerce there, hath been of late Years much increased: And whereas We have been informed by the humble Petition of Our Trusty and Well-beloved John Winthrop, John Mason, Samuel Wylls, Henry Clarke, Matthew Allyn, John Tapping, Nathan Gold, Richard Treat, Richard Lord, Henry Wolcott, John Talcott, Daniel Clarke, John Ogden, Thomas Wells, Obadiah Bruen, John Clarke, Anthony Hawkins, John Deming, and Matthew Camfield, being Persons principally interested in Our Colony or Plantation of Connecticut, in New-England, that the same Colony, or the greatest part thereof was Purchased and Obtained for great and valuable Considerations, and some other Part thereof gained by Conquest, and with much Difficulty, and at the only Endeavours, Expence, and Charges of them and their Associates, and those under whom they Claim, Subdued, and Improved, and thereby became a considerable Enlargement and Addition of Our Dominions and Interest there. Now Know YE, That in Consideration thereof, and in Regard the said Colony is remote from other the English Plantations in the Places aforesaid, and to the End the Affairs and Business which shall from Time to Time happen or arise concerning the same, may be duly Ordered and Managed, we have thought fit, and at the humble Petition of the Persons aforesaid, are graciously Pleased to create and make them a Body Politick and Corporate, with the Powers and Privileges herein after mentioned; and accordingly Our Will and Pleasure is, and of our especial Grace, certain Knowledge, and meer Motion, We have ordained, constituted and declared, and by these Presents, for Us, Our Heirs and Successors, Do ordain, constitute and declare, that they the said John Winthrop, John Mason, Samuel Wylls, Henry Clarke, Matthew Allyn, John Tapping, Nathan Gold, Richard Treat, Richard Lord, Henry Wolcott, John Talcott, Daniel Clarke, John Ogden, Thomas Wells, Obadiah Bruen, John Clarke, Anthony Hawkins, John Deming, and Matthew Camfield, and all such others as now are, or hereafter shall be admitted, and made Free of the Company and Society of Our Colony of Connecticut, in America, shall from Time to Time, and for ever hereafter, be One Body Corporate and Politick, in Fact and Name, by the name of, Governor and Company of the English Colony of Connecticut, in New-England, in America; and that by the same Name they and their successors shall and may have perpetual Succession, and shall and may be Persons able and capable in the Law, to plead and be impleaded, to answer and to be answered unto, to defend and be defended in all and singular Suits, Causes, Quarrels, Matters, Actions, and Things, of what Kind or Nature soever; and also to have, take, possess, acquire, and purchase Lands, Tenements, or Hereditaments, or any Goods, or Chattels, and the same to lease, grant, demise, alien, bargain, sell, and dispose of, as other Our liege People of this Our Realm of England, or any other Corporation or Body Politick within the same may lawfully do. And further, That the said Governor and Company, and their Successors, shall and may forever hereafter have a Common Seal, to serve and use for all Causes, Matters, Things, and Affairs whatsoever, of them and their Successors, and the same Seal to alter, change, break, and make new from Time to Time, at their Wills and Pleasures, as they shall think fit. And further, We will and ordain, and by these Presents, for Us, Our Heirs, and Successors, do declare and appoint, That for the better ordering and ma-*

The Corporation constituted.

The Names of the Patentees.

The Name of the Corporation.

Their Ability to plead & defend, &c.

To purchase Lands, &c.

To have a common Seal, and to alter & change it.

**A Governor, Deputy-Governor, & 12 Assistants to be elected from Time to Time.**

**First Governor, Deputy-Governor & Assistants appointed.**

**Governor and Deputy-Governor Power to call a Gen. Assembly.**

**Two General Assemblies in a Year, viz. in May & October**

**Power to alter their Days of Meeting.**

**To appoint Freemen, and constitute Officers.**

**Power to chuse new Officers in case of the Death or Removal of others.**

naging of the Affairs and Business of the said Company and their Successors, there shall be One Governor, One Deputy Governor, and Twelve Assistants, to be from Time to Time constituted, elected and chosen out of the Freemen of the said Company for the Time being, in such Manner and Form as hereafter in these Presents is expressed, which said Officers shall apply themselves to take Care for the best disposing and ordering of the general Business and Affairs of and concerning the Land and Hereditaments herein after mentioned to be granted, and the Plantation thereof, and the Government of the People thereof: And for the better Execution of our Royal Pleasure herein, We do for Us, Our Heirs, and Successors; assign, name, constitute and appoint the aforesaid *John Winthrop* to be the first and present Governor of the said Company, and the said *John Mason* to be the Deputy-Governor, and the said *Samuel Wyllys, Mathew Allyn, Nathan Gold, Henry Clarke, Richard Treat, John Ogden, John Tapping, John Talcott, Thomas Wells, Henry Wolcott, Richard Lord, and Daniel Clarke*, to be the Twelve present Assistants of the said Company; to continue in the said several Offices respectively, until the second Thursday which shall be in the Month of *October* now next coming. And further, We Will, and by these Presents for Us, Our Heirs, and Successors, Do ordain and grant, That the Governor of the said Company for the Time being, or in his Absence, by Occasion of Sicknes, or otherwise by his Leave or Permission, the Deputy-Governor for the Time being, shall and may from Time to Time upon all Occasions, give Order for the assembling of the said Company, and calling them together to consult and advise of the Business and Affairs of the said Company, and that forever hereafter, Twice in every Year, *That is to say*, On every Second Thursday in *October*, and on every Second Thursday in *May*, or oftner in case it shall be requisite; the Assistants, and Freemen of the said Company; or such of them (not exceeding Two Persons from each Place, Town, or City) who shall be from Time to Time thereunto elected or deputed by the major Part of the Freemen of the respective Towns, Cities, and Places for which they shall be elected or deputed, shall have a General Meeting, or Assembly, then and there to consult and advise in and about the Affairs and Business of the said Company: and that the Governor, or in his Absence the Deputy-Governor of the said Company, for the Time being, and such of the Assistants and Freemen of the said Company as shall be so elected or deputed, and be present at such Meeting or Assembly, or the greatest Number of them, whereof the Governor or Deputy-Governor, and Six of the Assistants at least, to be Seven, shall be called the General Assembly, and shall have full Power and Authority to alter and change their Days and Times of Meeting, or General Assemblies, for electing the Governor, Deputy-Governor, and Assistants, or other Officers, or any other Courts, Assemblies or Meetings, and to chuse, nominate and appoint such and so many other Persons as they shall think fit, and shall be willing to accept the same, to be Free of the said Company and Body Politick, and them into the same to admit; And to elect and constitute such Officers as they shall think fit and requisite for the ordering, managing and disposing of the Affairs of the said Governor and Company, and their Successors: And We do hereby for Us, Our Heirs and Successors, establish and ordain, That once in the Year forever hereafter, Namely, the said Second Thursday in *May*, the Governor, Deputy-Governor, and Assistants of the said Company, and other Officers of the said Company, or such of them as the said General Assembly shall think fit, shall be in the said General Court and Assembly to be held from that Day or Time, newly chosen for the Year ensuing, by such greater Part of the said Company for the Time being, then and there present; and if the Governor, Deputy-Governor, and Assistants by these Presents appointed, or such as hereafter be newly chosen into their Rooms, or any of them, or any other the Officers to be appointed for the said Company shall die, or be removed from his or their several Offices or Places before the said general Day of Election, whom we do hereby declare for any Misdemeanor or Default, to be removable by the Governor, Assistants and Company, or such greater Part of them in any of the said public Courts to be assembled, as is aforesaid, that

then and in every such Case, it shall and may be lawful to and for the Governor, Deputy-Governor, and Assistants, and Company aforesaid, or such greater Part of them so to be assembled, as is aforesaid, in any of their Assemblies, to proceed to a new Election of one or more of their Company, in the Room or Place, Rooms or Places of such Governor, Deputy-Governor, Assistant, or other Officer or Officers so dying or removed, according to their Discretions, and immediately upon and after such Election or Elections made of such Governor, Deputy-Governor, Assistant or Assistants, or any other Officer of the said Company, in Manner and Form aforesaid, the Authority, Office and Power before given to the former Governor, Deputy-Governor, or other Officer and Officers so removed, in whose Stead and Place new shall be chosen, shall, as to him and them, and every of them respectively, cease and determine. *Provided also,* And Our Will and Pleasure is, That as well such as are by these Presents appointed to be the present Governor, Deputy-Governor, and Assistants of the said Company, as those that shall succeed them, and all other Officers to be appointed and chosen, as aforesaid, shall before they undertake the Execution of their said Offices and Places respectively, take their several and respective corporal Oaths for the due and faithful Performance of their Duties, in their several Offices and Places, before such Person or Persons as are by these Presents hereafter appointed to take and receive the same; *That is to say,* The said *John Winthrop*, who is herein before nominated and appointed the present Governor of the said Company, shall take the said Oath before One or more of the Masters of Our Court of Chancery for the Time being, unto which Master of Chancery, We do by these Presents give full Power and Authority to administer the said Oath to the said *John Winthrop* accordingly: And the said *John Mason*, who is herein before nominated and appointed the present Deputy-Governor of the said Company, shall take the said Oath before the said *John Winthrop*, or any Two of the Assistants of the said Company, unto whom We do by these Presents give full Power and Authority to administer the said Oath to the said *John Mason* accordingly: And the said *Samuel Wyllys*, *Henry Clarke*, *Matthew Allyn*, *John Tapping*, *Nathan Gold*, *Richard Treat*, *Richard Lord*, *Henry Wolcott*, *John Talcott*, *Daniel Clarke*, *John Ogden*, and *Thomas Wells*, who are herein before nominated and appointed the present Assistants of the said Company, shall take the Oath before the said *John Winthrop*, and *John Mason*, or One of them, to whom We do hereby give full Power and Authority to administer the same accordingly. And Our further Will and Pleasure is, that all and every Governor, or Deputy-Governor to be elected and chosen by Virtue of these Presents, shall take the said Oath before Two or more of the Assistants of the said Company for the Time being, unto whom We do by these Presents give full Power and Authority to give and administer the said Oath accordingly; and the said Assistants, and every of them, and all and every other Officer or Officers to be hereafter chosen from Time to Time, to take the said Oath before the Governor, or Deputy-Governor for the Time being, unto which Governor, or Deputy-Governor We do by these Presents give full Power and Authority to administer the same accordingly. And further, Of Our more ample Grace, certain Knowledge, and meer Motion, We have given and granted, and by these Presents for Us, Our Heirs and Successors, do give and grant unto the said Governor and Company of the *English Colony of Connecticut, in New-England in America*, and to every Inhabitant there, and to every Person and Persons Trading thither, and to every such Person and Persons as are or shall be Free of the said Colony, full Power and Authority from Time to Time, and at all Times hereafter, to take Ship, Transport and carry away for and towards the Plantation and Defence of the said Colony, such of Our loving Subjects and Strangers, as shall or will willingly accompany them in, and to their said Colony and Plantation, except such Person and Persons as are or shall be therein restrained by Us, Our Heirs and Successors; and also to ship and transport all, and all Manner of Good, Chattels, Merchandizes, and other Things whatsoever that are or shall be useful or necessary for the Inhabitants of the said Colony, and may lawfully be transported thither; *Nevertheless*, not to be dis-

Former Officers Power to cease, upon the Choice of new ones.

Governor, D. Governor, &c. Assistants to be sworn to a faithful Performance of their Duty & Office.

Power to transport Inhabitants into the Colony, &c. Goods, Merchandises &c.

The King's Subjects in this Colony to enjoy all the Privileges of free and natural Subjects

Power to administer the Oath of Supremacy and Obedience.

To erect Judicatories.

To ordain & establish laws for settling the Forms of government, &c.

To impose Fines, Mulcts &c.

Laws to be published.

charged of Payment to Us, our Heirs and Successors, of the Duties, Customs and Subsidies which are or ought to be paid or payable for the same. And further, Our Will and Pleasure is, and We do for Us, Our Heirs and Successors, ordain, declare, and grant unto the said Governor and Company, and their Successors, That all, and every the Subjects of Us, Our Heirs, or Successors, which shall go to inhabit within the said Colony, and every of their Children which shall happen to be born there, or on the Seas in going thither, or returning from thence, shall have and enjoy all Liberties and Immunities of free and natural Subjects within any the Dominions of Us, Our Heirs or Successors, to all Intents, Constructions and Purposes whatsoever, as if they and every of them were born within the Realm of *England*; And We do authorize and empower the Governor, or in his Absence the Deputy-Governor for the Time being, to appoint Two or more of the said Assistants at any of their Courts or Assemblies to be held as aforesaid, to have Power and Authority to administer the Oath of Supremacy and Obedience to all and every Person and Persons which shall at any Time or Times hereafter go or pass into the said Colony of *Connecticut*, unto which said Assistants so to be appointed as aforesaid, We do by these Presents give full Power and Authority to administer the said Oath accordingly. And We do further of Our especial Grace, certain Knowledge, and mere Motion, give, and grant unto the said Governor and Company of the English Colony of *Connecticut*, in *New-England in America*, and their Successors, That it shall and may be lawful to and for the Governor, or Deputy-Governor, and such of the Assistants of the said Company for the Time being as shall be Assembled in any of the General Courts aforesaid; or in any Courts to be especially Summoned, or Assembled for that Purpose, or the greater Part of them, whereof the Governor, or Deputy-Governor, and Six of the Assistants to be always Seven, to Erect, and Make such Judicatories, for the Hearing, and Determining of all Actions, Causes, Matters, and Things happening within the said Colony, or Plantation, and which shall be in Dispute, and Depending there, as they shall think Fit, and Convenient, and also from Time to Time to Make, Ordain, and Establish all Manner of Wholesome, and Reasonable Laws, Statutes, Ordinances, Directions, and Instructions, not Contrary to the Laws of this Realm, of *England*, as well for Settling the Forms, and Ceremonies of Government, and Magistracy, Fit, and Necessary for the said Plantation, and the Inhabitants there, as for Naming, and Stiling all Sorts of Officers, both Superior and Inferior, which they shall Find Needful for the Government, and Plantation of the said Colony, and the Distinguishing, and setting forth of the several Duties, Powers, and Limits of every such Office, and Place, and the Forms of such Oaths not being Contrary to the Laws, and Statutes of this Our Realm of *England*, to be Administred for the Execution of the said several Offices, and Places, as also for the Disposing, and Ordering of the Election of such of the said Officers as are to be Annually Chosen, and of such others as shall Succeed in case of Death, or Removal, and Administring the said Oath to the New-Elected Officers, and Granting Necessary Commissions, and for Imposition of Lawful Fines, Mulcts, Imprisonment or other Punishment upon Offenders, and Delinquents according to the Course of other Corporations within this our Kingdom of *England*, and the same Laws, Fines, Mulcts, and Executions, to alter, change, revoke, annul, release, or pardon under their Common Seal, as by the said General Assembly, or the major Part of them shall be thought fit, and for the directing, ruling and disposing of all other Matters and Things, whereby Our said People, Inhabitants there, may be so religiously, peaceably and civilly governed, as their good Life and orderly Conversation may win and invite the Natives of the Country to the Knowledge and Obedience of the Only True GOD, and the Saviour of Mankind, and the Christian Faith, which in Our Royal Intentions, and the Adventurers free Profession, is the only and principal End of this Plantation; willing, commanding and requiring, and by these Presents for us, Our Heirs and Successors, ordaining and appointing, that all such Laws, Statutes and Ordinances, Instructions, Impositions and Directions as shall be so made by the Governor, Deputy-Governor,

and Assistants as aforesaid, and published in Writing under their Common Seal, shall carefully and duly be observed, kept, performed, and put in Execution, according to the true Intent and Meaning of the same, and these Our Letters Patents, or the Duplicate, or exemplification thereof, shall be to all and every such Officers, Superiors and Inferiors from Time to Time, for the putting of the same Orders, Laws, Statutes, Ordinances, Instructions, and Directions in due Execution, against Us, Our Heirs and Successors, a sufficient Warrant and Discharge. And We do further for Us, Our Heirs and Successors, give and grant unto the said Governor and Company, and their Successors, by these Presents, That it shall and may be lawful to, and for the Chief Commanders, Governors and Officers of the said Company for the Time being, who shall be resident in the Parts of *New-England* hereafter mentioned, and others inhabiting there, by their Leave, Admittance, Appointment, or Direction, from Time to Time, and at all Times hereafter, for their special Defence and Safety, to Assemble, Martial Array, and put in warlike Posture the Inhabitants of the said Colony, and to Commissionate, Impower, and Authorize such Person or Persons as they shall think fit, to lead and conduct the said Inhabitants, and to encounter, expulse, repel, and resist by Force of Arms, as well by Sea as by Land, and also to kill, slay, and destroy by all fitting Ways, Enterprizes, and Means whatsoever, all and every such Person or Persons as shall at any Time hereafter Attempt or Enterprize the Destruction, Invasion, Detriment, or Annoyance of the said Inhabitants or Plantation, and to use and exercise the Law Martial in such Cases only as Occasion shall require: and to take or surprize by all Ways and Means whatsoever, all and every such Person and Persons, with their Ships, Armour, Ammunition and other Goods of such as shall in such hostile Manner invade, or attempt the Defeating of the said Plantation, or the Hurt of the said Company and Inhabitants, and upon just Causes to invade and destroy the Natives, or other Enemies of the said Colony. *Nevertheless*, Our Will and Pleasure is, and We do hereby declare unto all Christian Kings, Princes, and States, that if any Persons which shall hereafter be of the said Company or Plantation, or any other by appointment of the said Governor and Company for the Time being, shall at any Time or Times hereafter rob or spoil by Sea or by Land, and do any Hurt, Violence, or unlawful Hostility to any of the Subjects of Us, Our Heirs or Successors, or any of the Subjects of any Prince or State being then in League with Us, Our Heirs or Successors, upon complaint of such Injury done to any such Prince or State, or their Subjects, We, Our Heirs and Successors will make open Proclamation within any Parts of our Realm of *England* fit for that Purpose, that the Person or Persons committing any such Robbery or Spoil, shall within the Time limited by such Proclamation, make full Restitution or Satisfaction of all such Injuries done or committed, so as the said Prince, or others so complaining may be fully satisfied and contented; and if the said Person or Persons who shall commit any such Robbery or Spoil shall not make Satisfaction accordingly, within such Time so to be limited, that then it shall and may be lawful for Us, Our Heirs and Successors, to put such Person or Persons out of Our Allegiance and Protection; and that it shall and may be lawful and free for all Princes or others to prosecute with Hostility such Offenders, and every of them, their, and every of their Procurers, Aiders, Abettors and Counsellors in that Behalf. *Provided also*, And Our express Will and Pleasure is, and We do by these Presents for Us, Our Heirs, and Successors, Ordain and Appoint, that these Presents shall not in any Manner hinder any of Our loving Subjects whatsoever to use and exercise the Trade of Fishing upon the Coast of *New-England*, in *America*, but they and every or any of them shall have full and free Power and Liberty, to continue, and use the said Trade of Fishing upon the said Coast, in any of the Seas thereunto adjoining, or any Arms of the Seas, or Salt Water Rivers where they have been accustomed to fish, and to build and set up on the waste Land belonging to the said Colony of *Connecticut*, such Wharves, Stages, and Work-Houses as shall be necessary for the salting, drying, and keeping of their Fish to be taken, or gotten upon that Coast, any Thing in these Presents contained to the

Power to assemble, & put in warlike Posture the Inhabitants.

To use the Law Martial.

His Majesty's Declaration to all Princes and States, against such as shall rob or spoil by Sea or Land.

Liberty reserved for all his Majesty's subjects to fish upon the coast.

To build Wharves, &c. upon waste lands.

Grant of the  
Lands within  
the limits ex-  
pressed to the  
Gov. & Com-  
pany, with the  
Commodi-  
ties thereof,  
&c.

To be held  
in free and  
common Soc-  
cage.

The Patent  
to have the  
most favora-  
ble Construc-  
tion for the  
Benefit of the  
Gov. & Com.

contrary notwithstanding. And Know Ye further, That We, of Our abundant Grace, certain Knowledge, and mere Motion, have given, granted, and confirmed, and by these Presents for Us, our Heirs and Successors, do give, grant, and confirm unto the said Governor and Company, and their Successors, all that Part of Our Dominions in *New-England in America*, bounden on the *East* by *Narragansett-River*, commonly called *Narragansett-Bay*, where the said River falleth into the Sea; and on the *North* by the Line of the *Massachusetts-Plantations*; and on the *South* by the Sea; and in Longitude as the Line of the *Massachusetts-Colony*, running from *East* to *West*, That is to say, From the said *Narragansett-Bay* on the *East*, to the *South* Sea on the *West* Part, with the *Islands* thereunto adjoining, together with all firm Lands, Soils, Grounds, Havens, Ports, Rivers, Waters, Fishings, Mines, Minerals, precious Stones, Quarries, and all and singular other Commodities, Jurisdictions, Royalties, Privileges, Franchises, Preheminencies, and Hereditaments whatsoever, within the said Tract, Bounds, Lands, and Islands aforesaid, or to them or any of them belonging. To have and to hold the same unto the said Governor and Company, their Successors and Assigns forever, upon Trust, and for the Use and Benefit of Themselves and their Associates, Freemen of the said Colony, their Heirs and Assigns, to be holden of Us, Our Heirs and Successors, as of Our Manor of *East-Greenwich* in free and common Soccage, and not in Capite, nor by Knights Service, yielding and paying therefor to Us, Our Heirs and Successors, only the Fifth Part of all the Ore of Gold and Silver which from Time to Time, and at all Times hereafter, shall be there gotten, had, or obtained, in Lieu of all Services, Duties and Demands whatsoever, to be to Us, our Heirs, or Successors therefor, or thereof rendered, made, or paid. And lastly, We do for Us, our Heirs and Successors, grant to the said Governor and Company, and their Successors, by these Presents, That these Our Letters Patents, shall be firm, good and effectual in the Law, to all Intents, Construtions, and Purposes whatsoever, according to Our true Intent and Meaning herein before declared, as shall be construed, reputed and adjudged most favourable on the Behalf, and for the best Benefit, and Behoof of the said Governor and Company, and their Successors, although express Mention of the true Yearly Value or Certainty of the Premises, or of any of them, or of any other Gifts or Grants by Us, or by any of Our Progenitors, or Predecessors, heretofore made to the said Governor and Company of the *English Colony of Connecticut, in New-England, in America*, aforesaid, in these Presents is not made, or any Statue, Act, Ordinance, Provision, Proclamation, or Restriction heretofore had, made, enacted, ordained, or provided, or any other Matter, Cause, or Thing whatsoever to the contrary thereof, in any wise notwithstanding. In Witness whereof, We have caused these Our Letters to be made Patents. Witness Ourselves at *Westminster*, the Three and Twentieth Day of *April*, in the Fourteenth Year of our Reign.

By Writ of Privy Seal,

H O W A R D.

**THE DECLARATION OF INDEPENDENCE**, by the  
Representatives of the UNITED STATES of AMERICA in Con-  
gress assembled.

THURSDAY July 4, 1776.

**W**HEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the Earth, the separate and equal station to which the laws of nature and of nature's GOD entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self evident; that all men are created equal; that they are endowed, by their Creator, with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness.--- That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established, should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great-Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world:

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing with manly firmness, his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining, in the mean time, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging War against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers the merciless indian savages, whose known rule of warfare is an undistinguished destruction, of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms. Our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the representatives of the UNITED STATES OF AMERICA, in GENERAL CONGRESS assembled, appealing to the supreme judge of the world for the rectitude of our intentions, do, in the name, and by authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, FREE AND INDEPENDENT STATES; that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great-Britain, is, and ought to be, totally dissolved; and that as FREE AND INDEPENDENT STATES, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which INDEPENDENT STATES may of right do. And for the support of this declaration, with a firm reliance on the protection of DIVINE PROVIDENCE, we mutually pledge to each other our lives, our fortunes, and our sacred honour.

The foregoing declaration was by order of Congress engrossed and signed by the members from the several different States.

# ARTICLES

OF Confederation and perpetual Union between the States of *New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia.*

ARTICLE I. **T**HE stile of this confederacy shall be "The United States of America." Stile of the Confederacy.

ART. II. EACH state retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled. Sovereignty and Independence of the respective States.

ART. III. THE said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever. Design of the Confederation, as it regards common security.

ART. IV. THE better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restriction shall not extend so far as to prevent the removal of property imported into any state, to any other state of which the owner is an inhabitant; provided also that no imposition, duties or restriction shall be laid by any state, on the property of the United States, or either of them. Social and mutual intercourse among the States,

If any person guilty of, or charged with treason, felony, or other high misdemeanor in any state, shall flee from justice, and be found in any of the United States, he shall upon demand of the Governor, or executive power, of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

FULL faith and credit shall be given in each of these states to the records, acts and judicial proceedings of the courts and magistrates of every other state.

ART. V. FOR the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each state, to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year. Manner of constituting the Congress of the states, with the qualifications & privileges of the Delegates

No state shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years, in any term of six years; nor shall any person being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit receives any salary, fees or emolument of any kind.

EACH state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

IN determining questions in the United States, in Congress assembled, each state shall have one vote.

FREEDOM of speech and debate in Congress shall not be impeached or ques-

tioned in any court, or place out of Congress, and the members of Congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on Congress, except for treason, felony, or breach of the peace.

Restraints  
upon the se-  
parate States.

ART. VI. No state without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any king, prince or state; nor shall any person holding any office of profit or trust under the United States or any of them, accept of any present, emolument, office or title of any kind whatever from any king, prince or foreign state; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the United States in Congress assembled, with any king, prince or state, in pursuance of any treaties already proposed by Congress, to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any state, except such number only, as shall be deemed necessary by the United States in Congress assembled, for the defence of such state, or its trade; nor shall any body of forces be kept up by any state, in time of peace, except such number only, as in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No state shall engage in any war without the consent of the United States in Congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so eminent as not to admit of a delay, till the United States in Congress assembled can be consulted: nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled; and then only against the kingdom or state and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

Mixed Rights  
of Congress  
and the sepa-  
rate States.

ART. VII. WHEN land-forces are raised by any state for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively, by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made the appointment.

Manner of  
defraying  
public Ex-  
pences.

ART. VIII. ALL charges of war, and all other expences that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each state, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled, shall from time to time direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the United States in Congress assembled.

Powers of  
Congress.

ART. IX. THE United States in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the

cases mentioned in the sixth article---of sending and receiving ambassadors---entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever---of establishing rules for deciding, in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated---of granting letters of marque and reprisal in times of peace---appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of Congress shall be appointed a judge of any of the said courts.

THE United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: --Whenever the legislative or executive authority or lawful agent of any state in controversy with another shall present a petition to congress stating the matter in question, and praying for a hearing, notice thereof shall be given, by order of Congress, to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning; until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names, as Congress shall direct, shall, in the presence of the Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination: And if either party shall neglect to attend at the day appointed, without shewing reasons, which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each state, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear to defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned: provided that every commissioner, before he sits in judgment, shall take an oath to be administered by one of the judges of the supreme or superior court of the state, where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection or hope of reward:" provided also that no state shall be deprived of territory for the benefit of the United States.

ALL controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdictions as they may respect such lands, and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction; shall on the petition of either party to the Congress of the United States, be finally determined as near as may be in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

THE United States in Congress assembled shall also have the sole and exclu-

five right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states---fixing the standard of weights and measures throughout the United States---regulating the trade and managing all affairs with the Indians, not members of any of the states, provided that the legislative right of any state within its own limits be not infringed or violated---establishing and regulating post-offices from one state to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expences of the said office---appointing all officers of the land forces, in the service of the United States, excepting regimental officers---appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States---making rules for the government and regulation of the said land and naval forces, and directing their operations.

THE United States in Congress assembled shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated, "*A Committee of the States*," and to consist of one delegate from each state : and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction---to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years ; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expences---to borrow money, or emit bills on the credit of the United States, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted---to build and equip a navy---to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state ; which requisition shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men, and cloath, arm and equip them in a soldier-like manner, at the expence of the United States, and the officers and men so cloathed, armed and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled ; But if the United States in Congress assembled shall, on consideration of circumstances judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, cloathed, armed and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, cloath, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so cloathed, armed and equipped, shall march to the place appointed and within the time agreed on by the United States in Congress assembled.

THE United States in Congress assembled shall never engage in a war, nor grant letters of marque and reprisal, in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expences necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same : nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of a majority of the United States in Congress assembled.

THE Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months ; and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secrecy ; and the yeas and nays of the delegates of each state on any

question shall be entered on the journal, when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several states.

Committee  
of the States  
and powers.

ART. X. THE committee of the states, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine states, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states in the Congress of the United States assembled is requisite.

Admission of  
Canada, and  
other States  
to the Union.

ART. XI. CANADA acceding to this confederation; and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this union: but no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

Public Faith  
pledged for  
past Engage-  
ments of  
Congress.

ART. XII. ALL bills of credit emitted, monies borrowed and debts contracted by, or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction, whereof the said United States, and the public faith are hereby solemnly pledged.

Obligation of  
the States to  
abide by the  
determinations  
of Congress, &c.

ART. XIII. EVERY state shall abide by the determinations of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every state.

*THESE Articles shall be proposed to the legislatures of all the United States, to be considered, and if approved of by them, they are advised to authorize their delegates, to ratify the same in the Congress of the United States; which being done, the same shall become conclusive.*

By order of Congress,

HENRY LAURENS, PRESIDENT.

**TREATY OF PEACE AND AMITY** between the United States of America and his Britannic Majesty, concluded at Paris on the 23d day of September 1783, and ratified by the United States in Congress assembled, on the 14th day of January A. D. 1784.

*" In the name of the most holy and undivided Trinity.*

**"IT** having pleased the Divine Providence to dispose the hearts of the most serene and most potent Prince George the third, by the grace of God, king of Great-Britain, France and Ireland, defender of the faith, duke of Brunswick and Lunenburg, arch-treasurer and prince elector of the holy Roman empire, &c. and of the United States of America, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore; and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony; and having for this desirable end, already laid the foundation of peace and reconciliation, by the provisional articles, signed at Paris on the 30th of November 1782, by the commissioners empowered on each part, which articles were agreed to be inserted in and to constitute the treaty of peace proposed to be concluded between the crown of Great-Britain and the said United States, but which treaty was not to be concluded until terms of peace should be agreed upon between Great-Britain and France, and his Britannic Majesty should be ready to conclude such treaty accordingly; and the treaty between Great-Britain and France having since been concluded, his Britannic Majesty and the United States of America, in order to carry into full effect the provisional articles abovementioned, according to the tenor thereof, have constituted and appointed, that is to say, his Britannic Majesty on his part, David Hartley, Esq. member of the parliament of Great-Britain; and the said United States on their part, John Adams Esq. late a commissioner of the United States of America, at the court of Versailles, late delegate in Congress from the state of Massachusetts, and chief justice of the said state, and minister plenipotentiary from the said United States to their High Mightinesses the States General of the United Netherlands; Benjamin Franklin, Esq. late delegate in Congress from the state of Pennsylvania, president of the convention of the said states, and minister plenipotentiary from the United States of America at the court of Versailles; John Jay, Esq. late president of Congress, and chief justice of the state of New-York, and minister plenipotentiary from the said United States at their court of Madrid, to be the plenipotentiaries for the concluding and signing the present definitive treaty: who after having reciprocally communicated their respective full powers, have agreed upon and confirmed the following articles.

**"ARTICLE 1st.** His Britannic Majesty acknowledges the said United States, viz. New-Hampshire, Massachusetts-Bay, Rhode Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina South-Carolina and Georgia, to be free, sovereign and independent states: that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the government, propriety and territorial rights of the same, and every part thereof:

**"ARTICLE 2d.** And that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz. from the north west angle of Nova-Scotia, viz. that angle which is formed by a line drawn due north from the source of Saint-Croix river to the Highlands; along the said Highlands which divide those rivers that empty themselves into the river Saint Lawrence from those which fall into the Atlantic Ocean, to the north-westernmost head of Connecticut river, thence down along the middle of that river to the forty-fifth degree of north latitude; from thence by a line due west on said latitude, until it strikes the river Iroquois or Cataraguy; thence along the middle of said river into lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and lake Erie; thence along the middle of said communication into lake Erie, through the middle of said lake until it arrives at the water communication be-

tween that lake and Lake Huron; thence along the middle of said water communication into the lake Huron; thence through the middle of said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward of the isles, Royal and Philippeaux, to the long lake; thence through the middle of said long lake and the water communication between it and the lake of the Woods, to the said lake of the Woods; thence through the said lake to the most north western point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi, until it shall intersect the northernmost part of the thirty first degree of north latitude: South by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the river Apalachicola or Catasouche; thence along the middle thereof to its junction with the Flint river; thence straight to the head of Saint Mary's river; and thence down along the middle of Saint Mary's river to the Atlantic Ocean: East by a line to be drawn along the middle of the river Saint Croix, from its mouth in the bay of Fundy to its source, and from its source directly north to the aforesaid Highlands which divide the rivers that fall into the Atlantic Ocean from those which fall into the river Saint Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and laying between lines to be drawn due east from the points where the aforesaid boundaries between Nova-Scotia on the one part, and East Florida on the other, shall respectively touch the bay of Fundy, and the Atlantic Ocean; excepting such islands as now are or heretofore have been within the limits of the said province of Nova-Scotia.

ARTICLE 3d. It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the gulph of Saint Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that Island) and also on the coasts, bays and creeks of all other of his Britannia Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours and creeks of Nova-Scotia, Magdalen islands, and Labradore, so long as the same shall remain unsettled, but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground.

ARTICLE 4th. It is agreed that creditors on either side, shall meet with no lawful impediment to the recovery of the full value in sterling money, of all bona-fide debts heretofore contracted.

ARTICLE 5th. It is agreed that the Congress shall earnestly recommend it to the legislatures of the respective states; to provide for the restitution of all estates, rights and properties, which have been confiscated, belonging to the real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession of his Majesty's arms, and who have not borne arms against the said United States. And that persons of any other description shall have free liberty to go to any part or parts of any of the Thirteen United States, and therein to remain twelve months unmolested in their endeavours to obtain the restitution of such of their estates, rights and properties, as may have been confiscated; and that Congress shall also earnestly recommend to the several states a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which on the return of the blessings of peace should universally prevail. And that Congress shall also earnestly recommend to the several states, that the estates, rights and properties of such last mentioned persons shall be restored to them; they refunding to any persons who may be now in possession the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties since the confiscation. And it is agreed that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

ARTICLE 6th. That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons for or by reason of the part which he or they

may have taken in the present war ; and that no person shall on that account, suffer any future loss or damage, either in his person, liberty or property, and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

" ARTICLE 7th. There shall be a firm and perpetual peace between his Britannic Majesty and the said states, and between the subjects of the one, and the citizens of the other ; wherefore all hostilities both by sea and land, shall from henceforth cease ; all prisoners on both sides shall be set at liberty, and his Britannic Majesty shall with all convenient speed, without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said United States, and from every post, place and harbour within the same, leaving in all fortifications the American artillery that may be therein ; and shall also order and cause all archives, records, deeds and papers, belonging to any of the said states, or their citizens ; which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

" ARTICLE 8th. The navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great-Britain, and the citizens of the United States.

" ARTICLE 9th. In case it should so happen, that any place or territory belonging to Great-Britain or to the United States, should have been conquered by the arms of either from the other, before the arrival of the said provisional articles in America, it is agreed that the same shall be restored without difficulty, and without requiring any compensation.

" ARTICLE 10th. The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties in the space of six months, or sooner if possible, to be computed from the day of the signature of the present treaty. In witness whereof, we the undersigned, their ministers plenipotentiary, have in their name, and in virtue of our full powers, signed with our hands the present definitive treaty, and caused the seals of our arms to be affixed thereto.

" DONE at Paris, this third day of September, in the year of our Lord, one thousand seven hundred and eighty-three.

" (L. S.) D. HARTLEY,

(L. S.) JOHN ADAMS,

(L. S.) B. FRANKLIN,

(L. S.) JOHN JAY."

# ACTS AND LAWS.

## Abstract and Declaration of Rights, &c.

# ACTS AND LAWS,

Passed by the GENERAL ASSEMBLY of the State of  
CONNECTICUT.

An Act containing an Abstract and Declaration of the Rights  
and Privileges of the People of this State, and securing  
the same.

*THE People of this State, being by the Providence of God, free and independent,  
have the sole and exclusive Right of governing themselves as a free, sovereign,  
and independent State; and having from their Ancestors derived a free and excel-  
lent Constitution of Government, whereby the Legislature depends on the free and  
annual Election of the People, they have the best Security for the Preservation of  
their civil and religious Rights and Liberties. And so far as the free Exertion  
of such Liberties and Privileges as Humanity, Civility and Christianity call  
for, as is due to every Man in his Place and Proportion, without Impediment, and  
Infringement, hath ever been, and well as the Tranquillity and Stability of  
Churches and Commonwealths; and the denial thereof, the Disturbance, if not  
the Ruin of both.*

**B**E it Enacted and Declared by the Governor, Council and Representatives,  
in General Court assembled, and by the Authority of the same, That the  
ancient Form of Civil Government, contained in the Charter from Constitution  
and name of  
the State  
Charles the Second, King of England, and adopted by the People of this State,  
shall be and remain the Civil Constitution of this State, under the sole Author-  
ity of the People thereof, independent of any King or Prince, whatever. And  
that this Republic is, and shall forever be and remain, a free, sovereign and in-  
dependent State, by the Name of the STATE or CONNECTICUT.

*And be it further Enacted and Declared by the Authority aforesaid, That no  
Man's Life shall be taken away: No Man's Honor or good Name shall be  
tainted: No Man's Person shall be arrested, restrained, banished, dismember-  
ed, nor any ways punished: No Man shall be deprived of his Wife or* General se-  
curity of the  
rights of the  
people.

## Abatement and amendment of Writs.

Children: No Man's Goods or Estate shall be taken away from him, nor any ways indamaged under the colour of Law, or countenance of Authority; unless clearly warranted by the Laws of this State.

Equal justice to be administered

That all the free Inhabitants of this or any other of the United States of America, and Foreigners in Amity with this State, shall enjoy the same Justice and Law within this State, which is general for the State, in all Cases, proper for the Cognizance of the Civil Authority and Courts of Judicature within the same; and that without Partiality or Delay.

No person to be imprisoned without law, & bailable in all cases, except, &c.

And that no Man's Person shall be restrained, or imprisoned, by any Authority whatsoever, before the Law hath sentenced him thereunto if he can and will give sufficient Security, Bail, or Mainprize for his Appearance and good Behaviour in the mean Time, unless it be for Capital Crimes, Contempt in open Court, or in such Cases wherein some express Law doth allow of, or order the same.

## An Act relating to the abatement and amendment of Writs, reversal of Judgments, &c.

Writs abated, and amendable on payment of costs.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That when any Plea shall be made in abatement of any Writ or Process, before the Superior or County Court, or before any Assistant or Justice of the Peace, that if it be ruled in favour of the Defendant, the Plaintiff shall have Liberty to amend that Defect, on his paying down to the Defendant his Costs to that Time; and then to proceed as he might have done if no such Defect had been: And in case the Defendant appeal from a Judgment given on Pleas of Abatement, and shall not make good his Plea, by the Judgment of that Court to which he appeals, Costs shall by such Court be awarded against him, however the Case shall finally issue, and Execution granted for the same.

No writ a batable for circumstantial error.

And be it further enacted by the Authority aforesaid, That no Writ, Pleading, Judgment, or any kind of Proceeding in Court or court of Justice, shall be awarded, suspended or reversed for any kind of circumstantial Errors, Mistakes or Defects, if the Person and the Cause may be thereby rightly understood and intended by the Court.

Death of the party shall not abate the writ, in case originally prosecutable by or against the executors, &c.

And be it further enacted by the Authority aforesaid, That when any Action being commenced shall be depending in any of the Superior or County Courts in this State, and the Plaintiff in such Action shall afterward, and before final Judgment thereon die, the same shall not abate if the Action might originally be prosecuted by his Executor or Administrator, but in such Case the Executors or Administrators may enter, if they see Cause, and prosecute the same. And if the Defendant in any Action die, after the same is commenced and depending as aforesaid, and before final Judgment, then the same shall not abate, if such Action might be originally prosecuted against his Executors or Administrators, and the Plaintiff, or the Executor or Administrator of such Plaintiff may in such Case, have a *Writ Facias* against the Executors or Administrators of such deceased Defendant, to shew Cause why Judgment shall not be rendered against them; which being duly served, at least twelve Days before the Court, to which the same is returnable, and returned, the Action shall proceed to final issue according to Law.

And be it further Enacted, That if in any Action commenced, there be two or more Plaintiffs or Defendants, and one or more of them die, pending the

Suit, if the cause of Action survive to the surviving Plaintiff or Plaintiffs, or against the surviving Defendant or Defendants, the Writ or Action shall not abate; but such Death being suggested upon the Record, the Action shall proceed.

Writ not to abate by the death of one of the parties, &c.

### An Act relating to the Age, Ability and Capacity of Persons.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That all Persons of the Age of Twenty-one Years, of right Understanding and Memory, whether communicated or other, (not otherwise legally incapable) shall have full Power, Authority and Liberty to make their Wills and Testaments, and all other lawful Alienations of their Lands and other Estates; and to give their Vote, Verdict or Sentence in any Matter or Cause. And all such Persons of the Age of Seventeen Years, shall have Power and Authority to dispose of their personal Estate, by Will or Testament. And the Age for choosing Guardians, shall be fourteen Years for Male, and twelve Years for female Children.

Age for disposing of real estate by will, &c.

Age for disposing of personal estate: And for choosing guardians.

*Provided nevertheless,* That such Persons as are condemned to Death, the Charges of their Prosecution, imprisonment and Execution being first answered and paid out of their Estate, the remainder thereof shall be disposed of according to Law.

Proviso.

*And in order to avoid Perpetuities, it is hereby provided,* That no Estate, either in Fee-Simple, Fee-Tail, or any lesser Estate, shall be given by Deed or Will to any Person or Persons but such as are in Being, or to the immediate Issue, or Descendants of such as are in Being at the Time of making such Deed or Will. And that all Estates given in Tail, shall be and remain an absolute Estate in Fee-Simple, to the Issue of the first Donee in Tail.

Proviso, to prevent perpetuities.

### An Act for the directing and regulating of Civil Actions.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the ordinary Process in Civil Actions in this State, shall be a Summons or an Attachment, fairly written, signed by a Magistrate, Justice of the Peace, or Clerk of the Court, mentioning the Court, the Time and Place of Appearance; therein also containing a Declaration of the Substance of the Action: Which Attachments may be granted against the Goods or Chattels of the Defendant; and for want of them, the Lands or Person of the Defendant may be attached: Provided, the Plaintiff when he prays out an Attachment, gives sufficient Security to prosecute his Action to Effect, and answer all Damages in case he makes not his Plea good. And like Security shall be given by some substantial Inhabitant of this State, on granting a Summon, when the Plaintiff is not an Inhabitant of this State; or if it shall appear to the Authority signing the same, that the Plaintiff is unable to pay the cost of Prosecution, if recovered against him. And all Writs and Processes shall be directed to the Sheriff, his Deputy, or some Constable, if such Officer can be had without great Charge or Inconvenience: And in every Case wherein the Authority signing a Writ shall find it necessary to direct the same to an Indifferent Person, such Authority shall insert the Name of the Indifferent Person in the direction of the Writ, and the Reason of such Direction; and if any Writ be otherwise directed, it shall abate.

Ordinary process what.

How served

ACTIONS CIVIL.

*Provided nevertheless,* Nothing herein shall extend to affect Summons's for Witnesses, Warrants to Collectors of Rates, or Warrants granted by Military Officers.

And that no Person shall be required to make Answer in any Civil Action real, personal or mixt, except the Writ or Process, if returnable to the Superior or County Court, hath been served upon him at least twelve Days inclusive, before the Day of the Court's sitting: Or if returnable to an Assistant or Justice, the same hath been served six Days inclusive, as aforesaid: Which Service shall be, if a Summons, by reading the same in the hearing of the Defendant or Defendants, or leaving an attested Copy thereof at the Place or Places of his or their usual Abode: But if an Attachment, the service shall be the attaching the Defendant or Defendants Estate or Person, and giving him Notice by reading the Writ to him or within his hearing, or by leaving an attested Copy thereof at the Place of his usual Abode, if that be within this State: And that all such Writs as are made returnable to the County Courts, shall be returned to the Clerks of said Courts on the Day before the sitting of such County Courts, and not afterwards. That in case any Process be duly served on any Defendant or Defendants, and return thereof made to the Court to which the same is made returnable, then if such Defendant or Defendants do not appear, his or their Default shall be recorded, and Judgment entered up against him or them thereupon; unless he or they shall come into Court, on or before the second Day of the sitting of said Court, and move for a Trial, in which case he or they shall be admitted thereto, upon paying down to the adverse Party the Costs to that Time; and the Plaintiff shall pay for entering the Action a-new.

But if the Party against whom Suit is brought, is not an Inhabitant or a Sojourner in this State, or is Absent out of the same at the Time of commencing such Suit, and doth not return before the first Day of the Court's sitting, the Judges of the Court where such Suit is brought, shall continue the Action to the next Court; and if the Defendant doth not then appear, (by himself or Attorney) and be so remote that the Notice of such Suit depending, could not probably be conveyed to him during the Vacancy, the Judges at such next Court may further continue the Action to the Court thence next following, and no longer; but may enter up Judgment on Default after such Continuance or Continuances: And in such Cases where Judgment shall be entered up by Default after such Continuances as aforesaid, Execution shall be stayed and not issue forth thereon, until the Plaintiff shall have given or lodged with the Clerk, a Bond with one or more sufficient Sureties to the adverse Party, in double the Value of the Estate or Sum recovered by such Judgment, to make Restitution and to refund and pay back such Sum as shall be given in Debt or Damage; or so much as shall be recovered upon a Suit therefor; to be brought within twelve Months next after entering up the first Judgment: If upon such Suit the Judgment shall be reversed, annulled or altered, the Security aforesaid to be no farther answerable than for the Recovery that shall be made upon such Suit to be had within twelve Months, as aforesaid.

*Provided also,* That no real Estate taken in Execution, granted upon such first Judgment, shall be alienated or passed away, until after the Expiration of the said twelve Months, or after a new Trial had on a Suit brought within the Space of twelve Months for the obtaining of Requisition, as aforesaid.

That in Actions on joint Securities, or Contracts, when all the Defendants are not Inhabitants of this State, the Service of the Process on such of the Defendants as are Inhabitants of this State (if any) shall be sufficient Notice to maintain the Suit against all the Defendants. And if any such

## Actions Civil.

Defendant on whom the Process was not served is aggrieved by the Judgment, he may be relieved by *Audita Querela*.

Be it further enacted by the Authority aforesaid, That any Person who hath entered an Action to be tried in any Court, being called three Times (after twelve of the Clock on the first Day of the Court's sitting) shall not appear, either by himself or Attorney, to prosecute his Action, he shall be non-suited, and pay all Costs and Charges to the Defendant, and for the entry of the Action, as if the same had been prosecuted in such Court. And that the Plaintiff in all Actions brought to any Court, shall have Liberty to withdraw his Action, or to non-suit himself, before the Jury have given in their Verdict: In which case he shall pay full Costs to the Defendant; and may afterwards renew his Suit at another Court; the former Withdraw or Non-suit being first recorded.

Non-suit and Withdraw how & when made.

Title of Land to be tried in the County where the Land lies:

And be it further enacted by the Authority aforesaid, That all Suits brought for the Trial of the Title of Land, or wherein the Title of Land is concerned, shall be tried in the same County where the Land lies, or Facts are done concerning which the Title of Land may be in Question. And that all other Actions that may be brought before the Superior or County Courts, shall be brought and tried in that County where the Plaintiff or Defendant dwells, if they or either of them are Inhabitants within this State. And that all Suits and Prosecutions cognizable before an Assistant, or Justice of the Peace, shall be made and prosecuted before such Authority in those Towns only where the Plaintiff or Defendant dwells; unless there be no Authority which may lawfully try the Cause in either of the said Towns: In which case the Plaintiff may bring his Suit before an Assistant or Justice of the Peace in one of the next adjoining Towns to the Place of his Abode.

All other Actions in the County where one or both the Parties live, and all Actions before an Assistant or Justice, in the Town where one of the Parties live, if within this State.

And be it further enacted by the Authority aforesaid, That all Causes where- in the Title of Land is not concerned, and wherein the Debt, Trespass, Damage or other Matter in Demand, doth not exceed *Four Pounds*, or if the Action be on Bond or Note given for the payment of Money or Bills of Credit only, vouched by two Witnesses, when the Sum demanded does not exceed *Seven Pounds*, shall and may be heard and determined by any one Assistant or Justice of the Peace; who are hereby respectively empowered to hear and determine the same, by their Discretion and according to Law, and award Execution thereon.

Justices Jurisdiction to extend to £. 4 where the Title of Land is not concerned, and to £. 10 on Bond or Note, witnessed with two Witnesses.

Always provided, That where the Sum demanded shall exceed the Sum of *Forty Shillings*, an Appeal shall be allowed to the next County Court, except in Actions brought on Notes of Hand or Bond, vouched by two Witnesses as aforesaid, in which Case no Appeal shall be allowed.

Proviso.

And all Actions that shall be tried before the Superior or County Courts, when issue is joined on any Matter of Fact, shall be tried by a Jury of twelve Men of the Neighbourhood, qualified, impannelled, and sworn according to Law, who shall find the Matter in Issue, with the Debt or Damages, and Cost according to Law and their Evidence; and the Judges shall make up and declare the Sentence thereon: And every Case wherein the Parties shall join in Demurrer in Law, shall be heard and determined by the Judges; and if there be any Matter of apparent Equity, as upon the forfeiture of a Bond or Obligation, or breach of Covenant without Damage, or the like, the Judges shall determine such Matter of Equity: And if upon a Bond with Conditions, the Breach of which may happen at several Times, a Suit be brought on the first Breach of such Condition, the Court upon the forfeiture of such Bond, found on Trial; Demurrer, Confession or otherwise, shall, on Motion made for that Purpose, proceed so consider what is due in Equity on such Bond at that Time, and enter up Judgment for the same, with Costs, and award Execution thereon.

Jury to try Matters of Fact.

Judges to determine Matters of Law, &c.

*Provided nevertheless,* That in all Actions which may be brought or come before the said Superior or County Courts in due course of Law, wherein the Parties shall join Issue on any Matter of Fact, and agree and do put themselves on the Court for Trial of such Issue; the Judges of said respective Courts, having Jurisdiction of such Action or Actions, may and shall proceed to hear and try the same without a Jury, and to award Damages and Costs, and grant Execution thereon; any Thing before to the contrary notwithstanding.

And upon any further or other Breach, or neglect of Performance of any other Particular, in the Condition annexed to, or indorsed on said Bond, the Oblige, his Executors or Administrators, may take out a *Scire Facias* against the Obligor, his Heirs, Executors or Administrators, from the Clerk of that Court in which Judgment was given, to shew Cause why Execution shall not be awarded for the Money then due, or Damages then sustained: And the Court shall proceed to make up Judgment for what shall appear in Equiry to be then due, with additional Costs, and award Execution thereon; and so from Time to Time till all the Particulars mentioned in such Condition are performed and completed.

And the Judges shall also determine Matters of Law, stated and referred to them by the Jury in their special Verdicts; which Verdicts the Jury in all Cases wherein Matters of Law are to them so obscure that they cannot clearly and safely give a positive Verdict, shall have Liberty to give a special Verdict therein; finding and presenting the Facts, and thereon stating and putting the Question in Law, viz. "If the Law be so in such a Point, then we find for the Plaintiff; but if the Law be otherwise, then we find for the Defendant."

And be it further enacted by the Authority aforesaid, That the Judges of the Court shall have Liberty, if they judge the Jury have not attended the Evidence given in, and the true issue of the Case in their Verdict, to cause them to return to a second Consideration of the Case, and shall for the like Reason have Power to return them to a third Consideration, and no more. And when the Court have committed any Case to the Consideration of the Jury, the Jury shall be confined under the Custody of an Officer appointed by the Court, until they are agreed on a Verdict: And the Court may set a suitable Fine, not exceeding *Twenty Shillings*, upon such Officer or Jurymen as shall be disorderly, or neglect, or refuse due Attendance of their Duties respectively, during their attending the Court.

And that when the Parties have made their Pleas in any Court and given their Evidences, and the Case is committed to the Jury, there shall be no after Pleas, Arguments, Evidences or Testimonies, heard or received in such Cases, before the Jury have returned their Verdict into Court, and the same is recorded.

And be it further enacted by the Authority aforesaid, That the Superior and County Courts in this State, shall and may from Time to Time, as occasion shall require, and as shall by them be judged reasonable and proper, grant new Trials of Causes that shall come before them for mispleading, or discovery of new Evidence, or for other reasonable Cause appearing, according to the common and usual Rules and Methods in such Cases.

That all Actions wherein the Matter in Demand does not exceed the Value of *Twenty Pounds* lawful Money; and all Actions brought on Bond or Note, given for the payment of Money, or bills of Credit only, vouched by two Witnesses (except such Matters as by virtue of this Act may be tried

Actions Civil.

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by an Assistant or Justice of the Peace) shall be heard and finally determined by the County Court.

That in any Action brought to, heard and tried by any County Court, wherein the title of Land is in Question, or wherein the value of the Debt, Damage or matter in Dispute shall exceed the value of *Twenty Pounds*, (except it be on Bond or Note vouched by two Witnesses) if either Party shall be aggrieved by the Sentence or Judgment of such Court therein, an Appeal shall be allowed to the next Superior Court to be holden in the same County. Provided that such Appeal be entered during the Time of the sitting of the Court from which the Appeal shall be made; and sufficient Bond with Surety be given by the Party appealing, to prosecute such Appeal to Effect, and answer all Damage in case he make not his Plea good.

Appeals when to be allowed —

when to be entered, &c.

And all Bonds for Prosecution in Civil Causes, shall be made payable to the adverse Party. And all Appeals to the Superior Court, shall be entered before the second opening of such Court, and not after; unless the Appellant shall pay to the Appellee all his Cost in such Case arisen to that Time, (which shall not be refunded however the Cause may finally issue); which Cost being taxed and paid, the Action may be entered by the Appellant, before the Jury attending such Court are dismissed, and not after: And if the Appellant do not enter such Appeal, before the Jury are dismissed; the Appellee may enter the same, and have the Judgment of the County Court in the Case affirmed with the additional Cost, and Execution granted accordingly.

Bond for prosecution, how payable.

Appeals to be entered before the 2d opening of the court, unless, &c.

If the plaintiff is not an inhabitant of this state, his attorney's name to be entered, &c.

That in all Actions brought by any Person who is not an Inhabitant of this State, to any Court in this State, the Clerk of such Court shall enter in the record of the Cause, the name of the Attorney by whom such Stranger appeared; which Record, or an attested Copy thereof, shall be good Evidence in Law, that such Attorney, was the lawful Attorney for said Stranger.

That no Cost shall be allowed for Travel to get a Writ, or for carrying it to an Officer.

No cost for travel to get a writ, &c.

And be it further enacted by the Authority aforesaid, That when any Assistant or Justice of the Peace hath given Judgment in any Case, and before the same is satisfied or Execution granted thereon, shall be removed by Death or otherwise; the Party in whose Favour such Judgment was given, may bring an Action of Debt for the recovery of the Sum due thereon, at any Time within five Years after such Removal; which Action may be brought before an Assistant or Justice of the Peace, if the Debt or Damage recovered and due doth not exceed *Ten Pounds*; and the original Record or a Copy thereof attested by the Person who gave the Judgment, or any Assistant or Justice of the Peace, shall be sufficient Evidence of such Judgment; in which Case no Appeal shall be allowed.

When the assistant or Justice before whom judgment is had, is removed before execution had, &c. how to proceed.

That in any Action, wherein Bond for Execution is not given at the Commencement thereof, the Court, Assistant or Justice of the Peace before whom the same is brought, shall on Motion of the Defendant, and satisfactory Proof that the Plaintiff is unable to pay a Bill of Cost, if recovered against him, order the Plaintiff to give Bond with sufficient Surety, to prosecute his Action to Effect, and pay all Damage in case he make not his Plea good; before proceeding to Trial of the same; and if the Plaintiff refuse or neglect to give such Security, his Action shall be non-suit.

Bond for prosecution may be required if the plaintiff is unable to pay cost &c.

And for preventing trivial and vexatious Suits;

Be it further enacted by the Authority aforesaid, That in Actions of Trespass, Assault and Battery, and Trespas upon the Case which shall be hereafter commenced or prosecuted in any County or Superior Court in this State,

**A**ctions of (except only where the Title, or Inheritance, or Interest of Lands or freehold Estate is the principal Matter in Question on the Trial of such Case) if the Damage is therein found, by Verdict of a Jury or otherways, to be under Forty Shillings lawful Money, the Plaintiff shall recover no more Costs than Damages; any Law, Usage or Custom to the contrary notwithstanding.

*Provided* nevertheless, That when the Defendant in any of the Actions aforesaid, shall remove such Action by Appeal from an Assistant or Justice of the Peace, to the County Court, or from the County Court to the Superior Court, the Plaintiff on his recovering final Judgment against the Defendant shall recover his full Costs of Suit; any Thing in this Act to the contrary notwithstanding.

### An Act against, and for the punishment of Adultery.

**A**dultery how punished. **B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That whosoever shall commit Adultery with a married Woman, and be thereof convicted before the Superior Court, both of them shall be severely punished, by Whipping on the naked Body, and stigmatized, or burnt on the Forehead with the Letter A, on a hot Iron: And each of them shall wear a Halter about their Necks, on the outside of their Garments, during their abode in this State, so as it may be visible: And as often as either of them shall be found without their Halters, worn as aforesaid, they shall, upon Information and Proof of the same, made before an Assistant or Justice of the Peace, be by him ordered to be whipt, not exceeding thirty Stripes.

### An Act relating to Alarms.

**P**enalty for causing a false Alarm. **B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That if any Person or Persons in this State, (without just and necessary Occasion so to do) shall cause any Alarm, by firing any Gun or Guns, or otherwise, in any Town or Plantation in this State, at any Time between the shutting in of the Evening, and break of Day, and shall thereof be legally convicted, shall each of them pay a Fine of Four Pounds to the public Treasurer of the County where such Conviction shall be made; or suffer two Months Imprisonment.

*Provided*, The Delinquency be complained of, and prosecuted within fix Months after the same is committed.

### An Act for the more easy and effectually finishing of Controversies by Arbitration.

**C**ontroversies by arbitrators how managed. **B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That all Merchants and others desiring to end any Controversy (for which they have no other Remedy but a personal Action, or Suit in Equity) by Arbitration, may agree that their Submission of the Suit to the Award or Umpirage of any Persons, shall be made a Rule of any of the Superior or County Courts, which the Parties shall choose, and may insert such their Agreement in their Submission, or the Condition of the Bond, or Promise; and on producing an Affidavit of such Agreement, and upon

Arrests.

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reading, and filing the same in the Court so chosen, the same may be entered of Record in such Court, and a Rule of Court shall be thereupon made that the Parties shall submit to, and finally be concluded by such Arbitration, or Umpirage, and on the Award of such Arbitrators being returned into the Court so chosen, in Case of Disobedience of either Parties, the said Court may grant Execution to levy, and collect the Sum awarded by said Arbitrators, with Cost.

*And be it further enacted by the Authority aforesaid,* That if any Merchant, or other Person desiring to end any Controversy, as aforesaid, by Arbitration, shall personally appear before any Superior, or County Court, and acknowledge before such Court, that they have mutually agreed to refer all their Matters of Difference, or any particular Thing to the Arbitrament of certain Persons by them agreed on, naming the Persons so chosen, and desiring the same may be made a Rule of Court: the same may be entered of Record: And a Rule of Court shall be thereupon made that the Parties shall submit to, and finally be concluded by such Arbitration, or Umpirage, and on the Award of such Arbitrators being returned in the Court so chosen, in Case of Disobedience of either Party thereto, the said Court may grant Execution in due form of Law, and levy and collect the Sum, so awarded, to be paid with Cost.

Merchants, or others, may end controversies, by arbitration if appearing before any superior or county court &c.

*And be it further enacted by the Authority aforesaid,* That when any personal Action shall be commenced, the Parties in such Action desiring to refer the same, on each Party's choosing a Man, the Court may appoint a Third, whose Award being by said Referees, or any two of them made, and returned into such Court, and by them accepted, shall be a final End of such Controversy, and the said Court shall grant Execution thereon according to the Award of such Referees, with Cost.

When any personal action shall be commenced, the parties to, &c.

An Act concerning Arrests and Imprisonment.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That no Man's Person shall be arrested and imprisoned for any Debt, Damage, or Fine, where sufficient means of Satisfaction can otherways lawfully be found, from his Estate, to be shewn and presented by him; but if no such Satisfaction can be found, his Person may be arrested and imprisoned: Where he shall be kept at his own Charge, 'till Satisfaction be made; unless the Court that hath cognizance of the Cause, shall otherwise determine and order.

No Man's person to be imprisoned for debt, &c. in case, &c.

*Provided nevertheless,* That no Person or Persons for the non-payment of Rates, Fines, Debts, or for any Crime or Offence, shall be committed to Prison, without a Mittimus granted and signed by Civil Authority; declaring the Cause and Ground of his Commitment, requiring the Goaler, Master, or Keeper of the Prison to receive and keep such Person or Persons within the Prison, until discharged according to Law; Unless where any proper Officer for want of Estate, seize the Body or Bodies of any Person or Persons by Execution or Distress, or Warrant for Fines or Rates, and commit him or them to Prison; in which case a Copy of the Execution or Distress, attested and signed by such Officer, and delivered to the Goaler, Master, or Keeper of the Prison, shall be a sufficient Warrant or Order for him to receive such Person or Persons; and him or them to hold in safe Custody 'till delivered by Law.

Provido.

And if no other Means can be found to pay the Debt for which such Debtor is imprisoned, the Debtor shall satisfy the same by Service, if the Creditor desire it and the Court shall judge it reasonable; in which case the Superior or County Court shall have Power to order and dispose of such

Debtor to satisfy the debt by service, in case, &c.

## Attachments. Attorney.

Debtor in Service, for the Purpose aforesaid, to some Inhabitant of this State, whether the Execution by which he is held issued from such Court or not.

Proviso

*Provided always*, That no Court in this State shall, in any Civil Case, assign or dispose of any Person in Service, until such Court is satisfied by the Oath of the Parties or otherways, that such Debtor hath not Estate sufficient to pay the Debt for which he is holden by Execution, except such Necessaries as are by Law exempted from being taken by Execution; and the Debt for which he is holden is really and *bona fide* due, on good Consideration.

## An Act concerning Attachments.

Any estate being attached, copy to be left.

If real estate is taken, copy to be left with the town clerk.

Estate attached, not to be held, unless, &c. within four months.

Execution to be levied within five days, or prisoner not to be held.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That when any Estate real or personal, is attached by virtue of a Writ of Attachment in any Civil Action, the Officer who serves the same, shall leave with the Person whose Estate is so attached, or at the Place of his usual Abode, if within this State, a true and attested Copy of the Writ, and of his Return, describing the Estate by him attached thereon. And when any real Estate is taken, the Officer serving the Writ, shall leave a true and attested Copy thereof, and a description of the Estate taken, at the Town Clerk's Office, in the Town where the Estate lies; and until the Service is so completed, the Estate so attached, shall not be held by such Attachment, against any other Creditor or *bona-fide* Purchaser, unless such Copy is left in Service; within seven Days next after attaching the Estate, and before the Time limited by Law for the Service of such Writ is expired.

And be it further Enacted by the Authority aforesaid, That no Estate attached as aforesaid, shall be held to respond the Judgment obtained by the Plaintiff at whose Suit the same is attached, either against the Debtor, or any other Creditor, unless such Judgment Creditor take out Execution on such Judgment, and have the same levied on Goods or personal Estate, within sixty Days after final Judgment, or on real Estate, and the same have appraised and recorded within four Months after such Judgment obtained; or if said Goods or Estate are incumbered by any prior Attachment, the Execution be levied as aforesaid within the respective Times aforesaid, after such Incumbrance is removed.

And that when the Body of any Person is attached, and for want of Bail is committed to Prison, the Person so committed shall not be holden in Prison by virtue of such Attachment, for a longer Time than five Days after the rising of the Court in which final Judgment in such Case shall be rendered: And in case no Execution shall be taken out upon such Judgment, and levied upon the Person of such imprisoned Debtor, within five Days as aforesaid, the keeper of the Goal, upon his Fees being paid, may not hold such Prisoner any longer by virtue of said Commitment; any Law, Usage or Custom to the contrary notwithstanding.

[This Act was passed in October, One thousand seven hundred and seventy.]

## An Act for the appointment and regulating Attornies.

*For the well ordering Proceedings and Pleas at the Bar:*

**B**E it Enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the County Courts in the respective Counties in this State, shall appoint, and they are hereby

Auditors.

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impowered to approve of, nominate and appoint Attornies in their respective Counties, as there shall be Occasion, to plead at the Bar: Which Attornies shall, before such Court, take the Oath by Law provided for Attornies: The Administration and taking of which Oath, together with the said Appointment, shall be registered by the Clerk of the said Court, and be a sufficient Evidence of his Admission as an Attorney at the Bar.

The county courts to appoint attornies in their respective counties.

And that no Person (except in his own Case) shall be admitted to make any Plea at the Bar in any Court, but such as are allowed and qualified Attornies, as aforesaid.

Noperfonato plead at the bar, except

And whosoever shall transgress the Rules of Pleading, appointed by any Court, shall be liable to suffer such Fine for every such Offence, as the said Court shall impose; not exceeding the Sum of *Five Shillings*.

Transgressors of the rules fined.

And that in all Actions wherein the Title of Land is not concerned, and the Demand is not above *Ten Pounds*, there shall be allowed but one Attorney on a Side, to plead at the Bar; But in all other Cases there shall be allowed to each Party two Attornies to plead at the Bar; and no more.

When two attornies are to be allowed.

And the Fees of such Attornies, shall be as stated in the Table of Fees: And the Party that shall recover Judgment, shall have his Attorney's Fees according to the above Regulation, allowed as part of Cost of Trial.

Their fees as in the table of fees.

And it is further enacted by the Authority aforesaid, That in each County in this State, there shall be one State Attorney, who shall prosecute, manage and plead in the County where such Attorney is appointed, in all Matters proper for, and in behalf of the State. Which Attornies shall also be appointed by the respective County Courts.

State attorney appointed in each county.

And that the several Attornies, who shall be allowed and appointed as aforesaid, shall from Time to Time, be under the Directions of the Courts before whom they plead; who upon just Reason, shall and may displace and wholly suspend any of said Attornies, or fine them, as is before in this Act provided:

The courts power to displace attornies, &c.

An Act relating to Auditors and Actions of Account.

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That when any Defendant in any Action of Account, depending in any Superior or County Court in this State, shall plead in his Defence any Plea (which being true he ought not to account), it shall be tried by a Jury, if either Party desire it: And in case the Issue be found against the Defendant by the Jury or otherwise, the Court shall enter Judgment against him that he shall account: And thereupon shall appoint three able, judicious and disinterested Men, Auditors in such Case; who shall be sworn to hear, examine and adjust the Account or Accounts: And the Auditors appointed as aforesaid, are hereby authorized and impowered to appoint Time and Place for the hearing and adjusting the Accounts aforesaid.

Actions of account how proceeded with.

And upon the Defendant's refusal (due Notice being given him of the Time and Place appointed) to attend upon them and produce his Accounts, the Auditors shall award to the Plaintiff the whole of his Demand; and upon the Parties producing to them their Accounts the Auditors shall have Power to administer an Oath unto them to answer to such Interrogatories as they shall think proper, respecting their Accounts: And upon either of the Parties refusal to take such Oath, or to answer directly to such Interrogatories, it shall be in the Power of the Auditors to commit the Party so refusing to Goal; there to remain at his own Charge, until he will account or answer as aforesaid.

Defendant's refusal to appear, plaintiff to recover his whole demand.

Auditing the public Accounts.

On return  
of auditors,  
final judg-  
ment to be gi-  
ven.

And when the Auditors have adjusted the Accounts, or awarded as afore-  
said, and returned the same to the Court, (either at the same Session or next)  
that final Judgment shall be made up for the recovery of the Sum awarded and  
the Costs, together with such reasonable Costs for the Service of the Auditors,  
as the Court shall award; which shall be by the Party in whose favour the Cause  
is determined, then paid down to the Auditors; and shall be allowed him in  
his Bill of Costs.

Like remedy  
in actions on  
book, if above  
5*l*.

And be it further enacted, That in all Actions brought on Book Accounts, if  
the Account be alleged to be above five Pounds, the like Method may be ta-  
ken in appointing Auditors for the adjustment of the Accounts between the  
Parties; and whosoever shall be awarded by them to be in Arrears, the Court  
shall enter up Judgment for the same, with additional Costs as aforesaid.

Actions of ac-  
count between  
executors, &c.

And be it further enacted by the Authority aforesaid, That executors who  
are also residuary Legatees, when all or any part of their Legacies are with-  
holden from them by their Co-executors may bring their Action of Account  
against their Co-executors for the recovery thereof: And the like Action is  
also hereby allowed to residuary Legatees against Executors.

Also,

Between  
joint-tenants  
&c.

That when two or more Persons have and hold any Estate or Interest, in  
common, as Joint-Tenants, Tenants in Common, or Co-parceners, and one  
or more of the Owners of such Common Interest, shall take, receive, use, or  
take Benefit of, such Common Interest in greater Proportion than his or  
their Interest in the principal Estate, such Owner or Owners, his or their Ex-  
ecutors and Administrators, shall be liable to render his or their reasonable Ac-  
count, for such his or their taking, use and profit of such Common Interest and  
Estate, to his or their Fellow-Commoner or Commoners, jointly or severally;  
and that such their Fellow-Commoner or Commoners, or any or either of  
them, their Executors or Administrators, may and are hereby enabled to have  
his or their Action of Account against such Receiver or Receivers, or either of  
them, as their Bailiffs for receiving more than their Part or Proportion as a-  
foresaid.

No appeal.

And no Appeal shall be allowed from any Judgment given on an Award of  
Auditors.

An Act for regulating and auditing the public Accounts.

FOR preventing Inconveniences in the public Accounts, and that no Arrears in  
the State's Accounts be standing out after the Year be expired.

Auditors to  
be annually  
appointed in  
October, &c.

**B**E it enacted by the Governor, Council and Representatives in General Court  
assembled, and by the Authority of the same, That meet Persons shall  
by this Court be appointed annually in May, to make up and audit the  
State's Accounts with the Treasurer; which Accounts shall be audited and  
perfected before the sitting of the General Court in October yearly. And all  
such Persons as shall be appointed to audit said Accounts, shall before their en-  
tering upon that Service, take the Oath provided by Law for such Au-  
ditors.

Treasurer's  
duty.

And the Treasurer is hereby obliged to make himself Debtor for the several  
Sums due from every of the Towns in this State, and also for all Fines  
belonging to the State Treasury; and so for the whole Rate or Sum To-  
tal arising, by bringing the several particular Sums into one intire Sum; and  
to bring in Credit (according to Law) until he shall consummate and perfect  
the State's Accounts as aforesaid.

And this the said Treasurer shall do annually, on the Penalty of *twenty Pounds*, to be forfeited to this State, for every Month after the Month of *September* annually, that he shall neglect to make up and perfect the said Ac- Penalty on the treasurer- counts, and pay according to the order of this Court, such Sum or Sums as re-  
main due.

And the Treasurer of each respective County in this State, shall annually make himself Debtor for all Fines and other Monies belonging to the County whereof he is Treasurer, and also make a fair Account of his Payments, how he County trea- surer's duty. hath disposed of them. And the Accounts of each County Treasurer shall be annually audited and perfected by the Judge and Justices of the County Courts respectively, and their respective Treasurers.

And be it further enacted by the Authority aforesaid, That the Secretary of this State, and the Clerk of the Superior Court, shall annually render an Account to the Treasurer of this State, of all the Fines and Forfeitures due to the public Treasury, appearing by the Records in their respective Secretary to settle his ac- counts annu- ally with the treasurer. Offices, that the same may be collected and paid into the Treasury, for the use of the State; and shall in like Manner render an Account to the Treasurer, of all Fees by them respectively received for the use of the State, and pay into the Treasury what shall be due thereon: And they shall likewise seasonably transmit a Copy of their said Accounts annually, to the Auditors appointed to audit the Treasurer's Accounts: And the Secretary shall also transmit to said Auditors an Account of all the Treasur-  
er's Receipts for Money paid into the Treasury, that shall be lodged with him.

## An Act concerning Bail, in civil and criminal Cases.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That it shall be the Duty Bail how & when taken. of every Sheriff, Deputy-Sheriff and Constable in this State, to take sufficient Bail when offered by any Person by them arrested or held in Custody on mean Process, in any Civil Action, which Bail shall be one or more substantial Inhabitants of this State, of sufficient Ability to respond the Judgment that may be recovered in the Case, who shall become bound to the said Officer in a sufficient Sum, conditioned for the Appearance of the Person so arrested, before the Court to which such Writ is made returnable; and the Person arrested shall be there-  
upon liberated from such Arrest.

That no Defendant whose Person has been attached and let to Bail as afore-  
said, shall be admitted to appear and plead or defend in such Action, until he hath in Court, given special Bail, with sufficient Sureties as aforesaid, for his abiding the final Judgment that shall be given in the Cause; if the Plaintiff require the same. Not to plead without spe- cial bail.

That in either of the Cases aforesaid, every such Surety or Sureties shall be obliged to satisfy the Judgment in case of the Principal's Avoidance, and a return of *Non est Inventus* on the Execution; unless such Surety, at or before the Time of entering up final Judgment, do bring the Principal into Court, and move to be discharged; upon which the Court shall order the Keeper of the Goal to receive him into Custody, that his Body may be taken on the Execution. When the surety is lia- ble, &c.

And the Party for whom the Judgment is given, may have a Writ of *Scire Facias* out of the Court, against such Surety or Sureties; and in case no just Scire facias Cause is shewn to the contrary, the Judgment rendered against such Principal shall be affirmed against such Surety or Sureties, with additional Cost of Suit, surety, and Execution be granted accordingly.

Proviso:	<i>Always provided, That such Writ of Scire Facias or other Process on the Bond, be taken out and served upon the Surety or Sureties, within twelve Months after the said final Judgment, and not afterward.</i>
Surety's actions against the debtor.	<i>And every Surety of whom such Recovery is made, may bring his Action for the recovery of Damages against the principal Debtor.</i>
Officer liable for insufficient bail, &c.	<i>And no Recovery shall be had against the Officer who served the Attachment or took the Bail, unless he shall have taken insufficient Bail, or shall refuse to let the Plaintiff have the Bail Bond, that he may have Remedy thereon agreeable to this Act.</i>
Scire Facias	<i>And in case of Bond given for the prosecution of any Action or Appeal, the Surety or Sureties shall be liable to satisfy the Cost that shall be recovered against the Principal, if Satisfaction cannot be had out of the Estate of the Principal; which may be recovered on Scire Facias, as aforesaid, or Action on the Bond. And no Security given to prosecute an Appeal, shall exonerate the special Bail in the Case.</i>

### An Act concerning Ballast.

Ballast not to be taken, &c. without permission.	<i>BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That no Ballast shall be taken from any common Shore in any Town within this State, by any Person whatsoever (except the same be his own Property) without Permission under the Hands of two of the Select-men of such Town, upon Penalty of forfeiting twenty Shillings for every Ton so taken.</i>
Penalty for casting out ballast, &c.	<i>And that no Person belonging to any Ship or other Vessel, shall cast out any Ballast into any Channel or other Place, that will obstruct or incommode the Navigation in any River or Harbour within this State, upon Penalty of forfeiting five Pounds. Any two Assistants or Justices of the Peace shall have Power to hear and determine all Breaches of this Act. The Fines aforesaid shall belong to the Treasury of the Town where the Offence is committed.</i>

### An Act for destroying Barberry-Bushes.

Barberry-bushes how and when to be destroyed	<i>BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That any Person or Persons whatsoever, with advice and Consent of the Civil Authority and Select-men of the Town where any Barberry-Bushes are or may be growing, may in the Months of March, April, October and November, enter into and upon any Lands whereon shall be growing any Barberry-Bushes, and dig up and destroy such Bushes; without being liable to any Action, Suit or Damage therefor; any Law, Usage or Custom to the contrary notwithstanding.</i>
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### An Act against Barratry and common Barrators.

Penalty for Barratry 5l.	<i>BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That if any Person shall be proved and adjudged a common Barrator, vexing others with unjust, frequent and needless Suits, he shall pay a Fine of five Pounds into the public Treasury of this State, by order of the Court before whom he shall be convicted; and before the same Court he shall become bound, with one Surety, for his good Behaviour (for one Year at least); or on Refusal, be committed to remain in Prison said Time, or 'till he procure Surety, as aforesaid.</i>
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And the Court before whom such vexatious Suit shall be brought, may, and is hereby impowered to reject such Suit, giving Cost to the adverse Party.

An Act concerning Bastards and Bastardy.

**B**E it enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That he who is accused by any Woman, to be the Father of a bastard Child, begotten of her Body, she continuing constant in such Accusation (being examined upon Oath, and put to the Discovery of the Truth in the Time of her Travail) shall be adjudged the reputed Father of such Child; notwithstanding his Denial thereof, and shall stand charged with the Maintenance thereof, with the assistance of the Mother, as the County Court in that County in which such Child is born shall Order; and give Security to perform such Order, and also to save the Town or Place where such Child is born free from Charge for its Maintenance: And the said Court may commit to Prison such reputed Father, until he find Sureties for the same: Unless the Proofs, Evidences and Pleas made and produced on the Part and Behalf of the Man accused as aforesaid, and other Circumstances be such as the Court who have Cognizance of the same shall see Reason to judge him innocent, and acquit him thereof; in which Case they shall and may otherwise dispose of such Child.

He who is accused by a woman to be the father of her bastard child (being examined under oath) he to be charged with the maintenance;

Unless, &c.

And every Assistant or Justice of the Peace, (upon his discretion) may bind to the County Court, him that is charged with begetting such bastard Child: And if the Woman be not then delivered, the said County Court may order the Continuance or renewal of his Bond, that he may be forth coming when such Child is born.

Assistant or justice may bind to court.

And be it further enacted by the Authority aforesaid, That the Select Men of any Town interested in the Support of such bastard Child, (where sufficient Security shall not be offered, to save said Town from all Charge and Expence for the Support of such Child or Children,) and the Woman omits to bring forward her Suit to recover Maintenance, may bring forward a Suit in behalf of such Town against him who shall be accused of begetting such Child; and may also take up and pursue any Suit begun by the Mother of such Child, for Maintenance thereof, in Case she shall fail to prosecute the same to final Judgment.

Select men to prosecute in case, &c.

An Act to prevent the taking and using Boats and Canoes, without Leave of the Owner.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That whoever shall take and use any kind of Boat, or Canoe belonging to any other Person, other than such as shall be taken up going a-drift, and loose from any Shore, or found when driven away and lost, without Liberty from the Owner or Owners thereof, shall for every such Offence, forfeit and pay to the Owner or Owners thereof, the Sum of six shillings, over and above the Damages such Owner or Owners shall sustain by his or their Boat or Canoe being taken and used as aforesaid, to be recovered by an Action of Debt.

Penalty for taking and using boats.

An Act for regulating the Assize of Bricks.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Length of all Bricks,

E

Bricks  
length, &c

made within this State, shall be full eight Inches ; and their Breadth four Inches ; and their Thickness two Inches.

Mould to  
be shod.

And the upper Side of every Mould used to make Bricks in, or that Side on which they are Struck, shall be shod, or plaited with Iron.

Forfeiture.

And whosoever shall put up to Sale any Bricks that are not made according to this Act, shall forfeit all such Bricks, or the full Value thereof : One Half to the Complainer, and the other Half to the Treasury of the County wherein the Offence is committed.

## An Act for ascertaining the Bounds of Towns, and the Lands of particular Persons.

Preamble.

*Whereas much as the Bounds of Towns, and the Lands of particular Persons are and ought carefully to be maintained, kept up, and rendered manifest and certain :*

Therefore,

Towns to  
have their  
bounds set  
out.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That every Town in this State shall procure their Bounds to be set out ; which shall be done by such Marks and Boundaries as may be a plain Direction for the future : Which Marks and Boundaries shall be a great Heap of Stones, or a Ditch of six Feet long, and two Feet and Half wide, of ordinary Depth, at every Corner, of the Township ; and in the Lines drawn, or running from Corner to Corner, one such Mark at least, in every eighty Rods.

Towns to  
renew their  
bounds.

And when their Bounds are carefully set out as aforesaid, two or more Persons shall by the Select-men of each Town, be appointed to renew the Bounds between their Towns, at least once in every Year, either in the Month of *March, April, October or November*, upon Penalty of *four Pounds* Forfeiture, to be incurred by every Town who shall neglect the same ; the one Half of which Forfeiture shall be to the Use of the neighbouring Town with whom they do refuse or neglect to join in Perambulation, or renewing the Marks, and the other Half to the County Treasury.

Penalty for  
neglect.

Notice how  
given.

And the Select-men of the most ancient Town, are to give Notice to the Select-men of the next adjacent Towns, of the Time and Place of their Meeting for such Perambulation, six Days beforehand.

Charges  
how paid.

And the Persons appointed for such Perambulation, shall go in their several Quarters, by order of the Select-men, at the Charge of the respective Towns which send them.

Proprietors  
of land to set  
up meer-  
stones.

*And be it further enacted by the Authority aforesaid, That all particular Proprietors and Owners of lands lying unfenced, or in a Common Field with others, shall bound every Parcel thereof with sufficient Meer-Stones of eighteen Inches long at least, whereof six Inches shall be above Ground ; and shall preserve and keep them so, upon Penalty of forfeiting ten Shillings for every Month in which they are not so kept.*

Penalty on  
proprietors  
for neglect-  
ing to renew  
their bounds

And if any particular Proprietor of Lands lying in Common as aforesaid, shall refuse to go by himself, (or his Agent) to renew and perambulate the Bounds between his Lands, and the Land of those whose Land lieth next to the same, once a Year, in the Months of *March or April* ; or else of *October or November*, being requested thereunto by the adjoining Proprietor, upon one Week's Warning, he shall forfeit for every Day's neglect after such Warning, the Sum of *five Shillings* ; Half to the Party complaining and prosecuting ; the other Half to the Town Treasury.

Provided, All Breaches of this Act be complained of and prosecuted to the next County Court in that County.

## An Act relating to Bridges.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Inhabitants of the several Towns in this State, shall make, build, keep and maintain in good and sufficient Repair, all the needful Highways and Bridges within their respective Townships; unless it belongs to any particular Person or Persons to maintain such Bridge in any particular Case.

Towns to make and maintain their own bridges, &c.

And when it is necessary to build a Bridge a-crofs any River, which is the boundary or dividing Line between any Towns, it shall be the Duty of the Inhabitants of such Towns, to build and keep in good Repair all said Bridges; and each Town shall pay an equal Part of the Expence of building and repairing the same.

Bridges in the dividing line of towns, by whom to be built, &c.

And that if it shall so happen at any Time, that any Person shall loose his Life, through the defect or insufficiency of any Bridge or High-way in any Township in this State, in passing over any such Bridge or High-way, after due Warning given unto any of the Select-men of the Town in which such defective Bridge or High-way is, or to the Person who ought to maintain the same, in Writing under the Hand of two Witnesses, or a Presentment made to the County Court of the County in which such Town is, of such defective Ways or Bridges; that then the Town, or Person which ought to secure and keep in sufficient Repair, such Ways or Bridges, shall pay a Fine of One Hundred Pounds, to the Parents, Husband, Wife, or Children, or next of kin to the Person deceased.

When life is lost thro' defect of bridges, Towns to be fined, &c.

And if it shall so happen that any Person shall loose a Limb, break a Bone, or receive any other Bruise or Breach in any part of his Body, through, or by Means of such Defect aforesaid, the Town or Person through whose Neglect such Hurt is done, shall pay to the Party so hurt or wounded, double Damages.

Also to pay double damages in case of loss of limb, &c.

And the like Satisfaction shall be made for any Team, Cart, or Carriage-Horse, or other Beast or Loading, to the Owner thereof, in Proportion to the Damage sustained as aforesaid. All which Forfeitures and Damages to be recovered by Action, Bill, Plaint or Information.

Like satisfaction to be made for teams, &c.

And that such Bridges and Passages in Towns, may more effectually be kept in sufficient Repair, and such Damages prevented:

Be it further enacted by the Authority aforesaid, That upon the Complaint of any such Town or Person, to any Assistant or Justice of the Peace, such Authority shall be, and they are hereby respectively fully impowered, to issue a Warrant to the Constable, to impress such Workmen in their Township as shall be needful to secure and repair such defective Bridge or Passage: Which Workmen shall be paid by the Town, or Persons to whom such Bridge and Passage do belong to maintain.

A Assistant or Justice to be grant warrant to impress men to repair bridges, &c.

And when the Inhabitants of any Town, shall neglect or refuse to build or repair any Bridge a-crofs a River in a public High-way within the bounds of such Town, or any Towns shall not agree to build or repair any Bridge a-crofs a River that is the dividing Line between such Towns, whereby the public Travelling is obstructed or incommoded; on Complaint thereof to the County Court by any Person or Persons, said Court is hereby impowered and directed (by a Committee or otherwise) to enquire into the public Necessity and Convenience of building and maintaining such Bridge, causing due Notice to be given to one or more of the Select-men of such Town or Towns, to shew Reason (if any they have) why they should not be compelled to make or repair such Bridge; and if no sufficient Reason be shewn to the contrary, (and such Town or Towns do not undertake and build, or repair such Bridge within such Time as the Court shall direct), said Court may appoint some suitable Person or Persons

What method to be taken, when any town refuses to build or repair bridges in the dividing line, &c.

Expence  
how paid.

to build or repair such Bridge ; which being done, and the Expence thereof being liquidated and allowed by said Court, the same shall be paid by the Inhabitants of the Town or Towns, whose Duty it was to have made and maintained such Bridge ; and Execution may be granted against them therefor accordingly.

### An Act relating to Briefs.

Briefs to be  
under the  
direction of  
governor and  
council.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That no Briefs craving the charitable Contributions of the People; in any of the Towns or Societies in this State, shall be read or attended in any of the said Towns or Societies, without it have the Allowance of the Governor and Council, and be by them directed into what Towns or Congregations it shall pass; (unless it be on some special Occasion, for any distressed or afflicted Person of their own Inhabitants) upon Penalty of the Forfeiture of five Pounds, for every Person that shall read and publish any such Brief, not allowed and directed as aforesaid; to be recovered of such Offender, by Bill, Complaint, or Information, in any Court of Record: One Third of which Penalty or Forfeiture shall be to him that shall inform and prosecute to Effect; and the other two Thirds to the County Treasury.

### An Act for the punishment of Burglary and Robbery.

Burglary and  
robbery, at-  
tended with  
violence, &c.

punished  
with death.

When not  
attended  
with terror,  
&c. how pu-  
nished.

Second of-  
fence, death.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That whosoever shall commit Burglary, by breaking up any Dwelling House or Shop, wherein Goods, Wares and Merchandize are deposited; or shall commit Robbery, by robbing any Person in the Field or Highway; if in the Perpetration of said Crimes, the Person or Persons committing the same, shall be guilty of any personal Abuse, Force or Violence; or shall be so armed with any dangerous Armour or Weapon, as clearly to indicate their violent Intentions: such Person or Persons, found guilty as aforesaid, and being thereof convicted before the Superior Court, shall suffer Death.

And it upon the Trial for any of the Crimes aforesaid, the Commission thereof shall not appear to be attended with the aggravated Circumstances of personal Error, Force and Violence as aforesaid, the Person or Persons found guilty of said Crime of Burglary or Robbery, shall be punished with whipping on the naked Body, not exceeding forty Stripes, and with Imprisonment in any of the Goals or Work-houses in this State, there to be kept to hard Labour, not exceeding ten Years, at the Discretion of the Superior Court before whom the Conviction is had. And if any Person shall be convicted a second Time for the Offence of Burglary or Robbery, he shall suffer Death.

### An Act for ascertaining the affize of Casks; and preventing Fraud in packing of Beef, Pork and Fish, for Sale.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the several sorts of Casks used in this State, for Liquor, Beef, Pork, Fish or other Commodities, shall

be of the Affize following, *to wit*, Butts to contain One hundred and twenty-six Gallons; Puncheons, Eighty-four Gallons; Hogheads, Sixty-three Gallons; Barrels, Thirty-one Gallons and an Half; Tierces, Forty-two Gallons; and that all such Casks shall be made of sound, well-seasoned Timber, and free from Sap. That the Gallon shall contain Two hundred and thirty-one cubic Inches; and the contents of each Cask in this Act expressed, shall be measured, by taking the following Dimensions in Inches, and decimal Parts of an Inch, *to wit*, the bulge or bung Diameter, each head Diameter, and the Length within the Cask; and these Dimensions to be computed by the Rule commonly called, and known by the Name of Gunter's Rule of Gauging.

Contents of Casks.

That each Barrel of Pork shall contain Two hundred and twenty Pounds, Pork. and each Barrel of Beef Two hundred and forty Pounds.

That the several Towns in this State, at their annual Town-Meetings, shall choose some fit Person or Persons to be Gaugers, and Packers, who shall besworn to a faithful Discharge of their Office. And the Fee for gauging shall be *eight Pence* per Ton; and for packing each Barrel of Beef, Pork or Fish *six Pence*.

Gaugers and Packers.

And every Packer shall take care, that all Casks in which he shall pack any Beef, Pork, Fish, or other Goods committed to his Care, be good, and of true and full Affize, and contain the Weight and Quantity directed by this Act, and that the Provisions are good and merchantable, on Penalty of *five shillings* for every Cask that shall be deficient.

Their duty.

And if any of the before mentioned Provisions, shall be packed in half Barrels or Firkins, the Contents shall be in Proportion to the Rule aforesaid, and be marked on the Cask by the Packer.

Half barrels in proportion.

And whosoever shall sell any Kind of Liquor usually sold by Gauge, in Casks not gauged by the Rule enjoined by this Act, shall forfeit and pay a Fine of *twenty shillings*.

Penalty.

And whosoever shall sell or ship for sale, any Pork, Beef or Fish that is not packed by a Packer duly qualified according to this Act, shall forfeit and pay a Fine of *ten shillings* for each Barrel so by him sold or shipped for Sale as aforesaid.

And every Gauger and Packer shall brand every Cask by him gauged, or in which Provisions or other Goods are by him packed, with the initial Letters of his own Name, and the Name of the town to which he belongs.

Marked, &c.

And every Cooper shall set his distinct Brand or Mark on his own Cask, on Penalty of *ten shillings*. The several Penalties in this Act shall belong one half to the Informer who shall prosecute to effect, and the other half to the Treasury of the Town wherein the Offence is committed.

Penalty.

## An Act for the Marking of Cattle, Sheep and Swine.

To prevent Disputes and Differences that may arise in the owning and claiming of Cattle, Sheep and Swine, that may be lost or stray away.

BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That all the Owners of any Cattle, Sheep or Swine within this State, shall ear-mark or brand all their Cattle, Sheep and Swine that are above half a Year old; and that they shall cause their several Marks to be registered in the Town Book.

Marks to be registered.

And whatsoever Cattle, Sheep or Swine shall be found unmarked and not branded as aforesaid, the Owners thereof shall forfeit *two Shillings* per Head: One half thereof shall be to the Complainer, and the other half to the Town Treasury.

An Act for educating and governing of Children.

Preamble.

*Forasmuch as the Education and well Governing of Children is of singular Benefit to a People: And whereas many Parents and Masters are too negligent of their Duty in the Matter:*

Children to be instructed, &c.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That all Parents and Masters of Children shall, by themselves or others, teach and instruct, or cause to be taught and instructed, all such Children as are under their Care and Government, according to their Ability, to read the English Tongue well, and to know the Laws against Capital Offences: And if unable to do so much, then at least to learn some short orthodox Catechism without Book, so as to be able to answer to the Questions that shall be propounded to them out of such Catechism, by their Parents, Masters, or Ministers, when they shall call them to an Account of what they have learned of that Kind.

Penalty on parents, &c. for neglect of duty.

And if any Parent or Master shall neglect the performing what is by this Act required of them, every such Parent, or Master being thereof legally convicted before any one Assitant or Justice of the Peace, shall forfeit and pay the Sum of *twenty Shillings*, to and for the Use of the Poor of the Town whereto they belong.

Select-men to inspect, &c.

And that the Select-men of every Town in this State, in their several Precincts, and Quarters, shall have a vigilant Eye and Inspection over their Brethren and Neighbours; and see that none of them suffer so much Barbarism in any of their Families, as to want such Learning and Instruction; and to take Care that due Prosecutions be made for the Breach of this Act.

Grand-jury to present, &c.

And the Grand-jury-men in each Town, are hereby required to take Care, and see that what is by this Act required for Education of Children, be duly performed, and to make Presentment of all Breaches of this Act which shall come to their Knowledge.

Children to be bro't up to some honest calling, &c.

*And be it further enacted by the Authority aforesaid, That all Parents and Masters, shall employ and bring up their Children and Apprentices in some honest and lawful Calling, Labour or Employment, profitable for themselves and the State.*

Stubborn children to be bound out, &c.

And if the Select-men of the Town where such Parents or Masters live, after Admonition by them given to such Parents or Masters, shall find them still negligent of their Duty, in the Particulars aforementioned in this Act; whereby such Children grow rude, stubborn and unruly, such Select-men (with the Advice of the next Assitant or Justice of the Peace), shall take, and they are hereby fully authorized and impowered, to take such Children and Apprentices from their Parents or Masters, and place them with, and bind them to some Master or Masters; Males till they are Twenty-one Years of Age, and Females till they are Eighteen Years of Age; to the End they may be suitably instructed, employed and governed: Which binding shall be good and effectual, for the holding and governing such Children, the Terms aforesaid.

Stubborn rebellious children to be sent to a house of correction.

And that whatsoever Child or Servant, upon Complaint made, shall be convicted of any stubborn or rebellious Carriage, against their Parents or Governors, before any two Assitants or Justices of the Peace, such Assitants or Justices are hereby authorized and impowered, upon such Conviction, to commit such Child or Servant to a House of Correction; there to remain under hard Labour and severe Punishment, so long as said Authority shall judge meet; who, on the Reformation of such Children and Servants, may order their Release, and Return to their Parents or Masters aforesaid.

An Act for enabling Communities to maintain, recover and defend their common Rights, Estates and Interests.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That it shall and may be lawful, for all and every Town, Trustees for Schools, Proprietors of common and undivided Lands, Grants, and other Estates and Interest, and all other lawful Societies or Communities whatever, to sue, commence and prosecute any Suits or Actions, for the maintaining, recovery, or defence of their Grants, Interests and Estates, in any Court proper to try the same; and to appear either by Themselves, Agents, or Attornies; and in like Manner to defend in all Suits and Actions, as shall be brought or commenced against them.

Communities how to sue &c.

And when any such Town, Trustees, Proprietors, or Society as aforesaid, shall be sued, it shall be sufficient Notice for them to appear and answer, to leave a true and an attested Copy of the Writ or Summons, containing such Notice. Suit or Action, with their Clerk, or either of the Select-men or Committeemen, twelve Days before the sitting of the Court where the Case is to be heard; as in other Actions is provided.

An Act for securing the Rights of Conscience in Matters of Religion, to Christians of every Denomination in this State.

**A**S the happiness of a People, and the good Order of Civil Society, essentially depend upon Piety, Religion and Morality, it is the Duty of the Civil Authority to provide for the Support and Encouragement thereof; so as that Christians of every Denomination, meaning themselves peaceably, and as good Subjects of the State, may be equally under the Protection of the Laws: And as the People of this State have in general, been of one Profession in Matters of Faith, religious Worship, and the mode of settling and supporting the Ministers of the Gospel, they have by Law been formed into Ecclesiastical Societies, for the more convenient Support of their Worship and Ministry: And to the End that other Denominations of Christians who dissent from the Worship and Ministry so established and supported, may enjoy free Liberty of Conscience in the Matters aforesaid:

Preamble.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That no Persons in this State, professing the Christian Religion, who soberly and conscientiously dissent from the Worship and Ministry by Law established in the Society wherein they dwell, and attend public Worship by themselves, shall incur any Penalty for not attending the Worship and Ministry so established, on the Lord's-Day, or on account of their meeting together by themselves on said Day, for public Worship in a Way agreeable to their Consciences.

Dissenters not to incur any penalty for not attending, &c.

And be it further enacted by the Authority aforesaid, That all denominations of Christians differing in their religious Sentiments from the People of the established Societies in this State, whether of the Episcopal Church, or those Congregationalists called Separates, or of the People called Baptists, or Quakers, or any other Denomination who shall have formed themselves into distinct Churches or Congregations, and attend public Worship, and support the gospel Ministry in a Way agreeable to their Consciences and respective Professions; and all Persons who adhere to any of them, and dwell so near to any Place of their Worship that they can and do ordinarily

When exempted from taxes, &c.

attend the same on the Sabbath, and contribute their due Proportion to the support of the Worship and Ministry where they so attend, whether such Place of Worship be within this, or any adjoining State, and produce a Certificate thereof from such Church or Congregation, signed by their Order, by the Minister or other Officer thereof, and lodge the same with the Clerk of the Society wherein such Person or Persons dwell, every such Person shall be exempted from being taxed for the support of the Worship and Ministry of said Society, so long as he or they shall continue so to attend and support public Worship with a different Church or Congregation as aforesaid.

All dissenters the same powers &c.

*And be it further enacted by the Authority aforesaid,* That all such Protestant Churches and Congregations as dissent from the Worship and Ministry established as aforesaid, and who maintain and attend public Worship by themselves, shall have Liberty and Authority to use and exercise the same Powers and Privileges for maintaining and supporting their respective Ministers, and building and repairing their Meeting-Houses for the public Worship of God, as the Ecclesiastical Societies, constituted by Act of the General Assembly of this State by Law have and do exercise and enjoy; and in the same Manner may commence and hold their Meetings, and transact their Affairs, as Occasion may require for the Purpose aforesaid.

To pay taxes for the support of public worship.

And all Persons shall be taxed for the support of the Ministry and other Charges of the Society wherein they dwell, who do not attend and help support, any other public Worship; any thing in this Act notwithstanding.

Disqualified from voting in society meetings.

And every Person claiming the benefit of this Act, shall be disqualified to vote in any Society Meeting, save only for granting Taxes for the support of Schools, and for the Establishment of Rules and Regulations for Schools, and the Education of Children in them.

### An Act relating to Constables.

Constables yearly chosen

*BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same,* That the Constables in each Town in this State, shall be yearly chosen to that Office; and sworn by some Assistant or Justice of the Peace; or where there are no such Authority in any Town, by the Town-Clerk of that Town, before the first Day of January in each Year.

One to collect state taxes:

And that one, and but one Constable, shall be appointed by each Town, to levy and gather their State Taxes, and make up their Accounts thereof with the Treasurer.

Persons tendered by warrant from neighbouring states, to be transported, &c.

That every Person tendered to any Constable, of any Town in this State, by any Constable or other Officer belonging to any of the neighbouring States, with a Warrant from any of their Authority, shall presently be received and forthwith conveyed from Constable to Constable, by the respective Constables in this State, until such Person shall be brought unto the Place to which he or she is sent, or before some Assistant or Justice of the Peace in this State; who shall dispose of him or them as the justice of the Cause shall require: And that the Cost of transporting such Persons as belong out of this State, shall be paid out of the State Treasury; and for such as belong to any Town of this State, out of the Treasury of the Town to which such Constable belongs.

Hue-and-cries

That every Constable shall duly receive all Hue-and-cries; and the same diligently pursue to full effect; such as are granted and sent out after Capital of Criminal Offenders, as the Cost and Charge of this State; but such as are taken out by particular Persons in their own Cases, at the Cost and Charge of those who take them out.

Constables.

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That every Constable within this State, is hereby authorized and fully im-  
powered, to put forth Pursuits or Hue-and-cries after Murderers, Peace-brea-  
kers, Thieves, Robbers, Burglarians and other capital Offenders, where no  
Magistrate or Justice of the Peace is near at Hand.

When to  
pursue mur-  
derers, &c.  
without  
warrant.

As also without Warrant, to apprehend such as are guilty of Drunkenness, pre-  
sane Swearing, Sabbath-breaking, also vagrant Persons, unreasonable Night-  
walkers, or any others that shall offend in any of these: Provided, they be ta-  
ken and apprehended in the manner; either by the Sight of the Constable, or  
present Information of some others.

Also sabbath  
breakers, &c.

As also to make Search for all such Persons, either on the Sabbath or other  
Days, when there shall be Occasion; in Taverns and other suspected Places, or  
Houses; and those to apprehend and keep in safe Custody, till Opportunity  
serves to bring them before the next Assistant or Justice of the Peace, for further  
Examination; in order to their being proceeded against according to Law.

To make  
search in ta-  
verns, &c.  
for disorder-  
ly persons.

That each and every Constable shall have Power and Authority to, serve and  
execute such lawful Precepts, Writs, or Warrants as are directed to them from  
lawful Authority.

To serve  
writs.

And shall have the Power of Water-Bailiffs in the several respective Towns in  
this State, when and where there shall be Occasion for the same.

To have the  
power of  
water-bail-  
iffs.

*Provided nevertheless,* That when any Constable is employed or commanded  
by any Assistant or Justice of the Peace, to apprehend or arrest any Person or  
Persons, he shall not do it without a Warrant in Writing.

*Be it further enacted by the Authority aforesaid,* That all Constables may, and  
from Time to Time shall, make diligent Search throughout the limits of their  
Town, upon the Lord's-Days, and on all other Times, (as oft as they shall be  
informed, or see Cause), for such Offenders as shall lye Tipling in any Inn, or  
House of Entertainment, or private House, excessively, or unreasonably; and  
after such as retail strong Drink without Licence: And also warn all those that  
frequent Taverns, and spend their Time there idly, to forbear: And also warn  
all those Persons that keep such Houses, not to suffer any such Persons in their Hou-  
ses. And to make due Presentment of all Breaches of Law (coming within their  
Knowledge) to some Authority proper to receive the same, once in every Month.

To search  
for tiplers,  
&c.

And if upon due Information, any Constable shall refuse or neglect to make  
such Search, Seizure and Presentment, and be thereof legally convicted, he shall  
pay a Fine of *five shillings* to the Treasury of the Town whereto he belongs.

Penalty for  
refusing, &c.

*And be it further enacted by the Authority aforesaid,* That if any Person shall  
refuse at any Time to assist any Constable in the Execution of his Office, being  
by him duly thereunto required, he shall forfeit *ten Shillings*.

Penalty for  
not assisting  
a constable,  
&c.

And if it appear that any Person shall wilfully, obstinately, or contemptuously  
refuse to assist such Constable, as is before expressed, he shall forfeit and pay to  
the Use of the Town where the Offence is committed, *forty shillings*: The said  
Offence to be heard and tried by any Assistant or Justice of the Peace.

Obstinate  
refusal, pe-  
nalty 40s.

That if any Constable, or other Person, upon urgent Occasion, shall refuse  
to use his best Endeavour, in raising and prosecuting Hue-and-cries, either  
on Foot or by Horse (if need be) after Capital Offenders, he shall forfeit  
the Sum of *forty shillings*, to the Use aforesaid; to be determined as afore-  
said.

Penalty for  
not pursuing  
capital offen-  
ders, &c. 40s.

And every Constable in this State, shall be furnished with a black Staff,  
having a Head with the Arms of this State thereon; which Staff he shall  
carry upon proper Occasions, as a Token or Badge of his Office; which the

To be fur-  
nished with  
a black staff

**Penalty.** Select-men of each Town are to take Care to provide as the Town's Charge; upon Penalty of *five Shillings* for every Month's neglect; one Half to be to him or them that shall prosecute for the same, and the other Half to the Town Treasury.

**On removal new constables to be chosen:** And in case any Town, by the Death or Removal of the Constable or Constables thereof, shall become wholly destitute of such Officers; such Town shall forthwith assemble, and proceed to the Choice of a Constable or Constables, to supply the Vacancy so made; who shall be sworn according to Law.

**An Act to prevent counterfeiting Bills of Credit, Coins or Currencies, passing the same, and emitting and passing Bills on private Credit; and to prevent Injustice by Passing counterfeit Bills.**

**Counterfeiting.** **BE** it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That whosoever shall forge, alter or counterfeit any of the Bills of public Credit, emitted by the Authority of this State, or by the Authority of the United States in Congress assembled, or by Authority of any one of the United States of America; or any Note or Notes issued from the Loan-Office of this State, or from the Loan-Office of the United States, or of any one of the States aforesaid, or any Note or Notes issued by the President, Directors, and Company of the Bank of North-America; or shall utter and put off any such forged, altered, or counterfeit Bill or Bills, Note or Notes, knowing them to be such, or that shall counsel, advise, procure or any ways assist in forging, counterfeiting, imprinting, stamping, altering or signing of any false, forged and counterfeit Bill or Bills, knowing them to be such; or that shall engrave any Plate, or make any Instrument to be used for any of the Purposes aforesaid, or that shall Stamp, or any other ways counterfeit any of the Coins of Gold or Silver currently passing in this State, or that shall utter and put off any such counterfeit Coins, knowing the same to be base, false and counterfeit; or that shall make any Instrument or Instruments for the counterfeiting any of the Coins aforesaid; or shall be aiding or assisting therein, and be thereof convicted before the Superior Court, such Person or Persons so offending, shall be whipped on the naked Body twenty Stripes; and pay a Fine, not exceeding *One hundred Pounds*, for the use of the Treasury of this State, and be confined to any Work-House or House of Correction in this State, for a Term not exceeding ten Years, at the discretion of said Court.

**For first offence.**

**to be fined, &c.**

**tool.**

**Punishment for second offence.** And if any Person shall commit the like Offence, and be thereof convicted a second Time, he or she shall be whipped thirty Stripes, and be confined in such Work-House or House of Correction, and there be kept to hard Labour during the Term of his or her natural Life.

And that such Offenders may more effectually be discovered and detected:

**Reward for detecting, &c.** Be it further enacted by the Authority aforesaid, That whosoever shall make Discovery, and give Information of any of the Offences aforesaid, so that the Person or Persons guilty thereof be tendered to Justice, and convicted, every such Informer shall have and receive, as a reward for his good Services, in discovering and informing as aforesaid, the Sum of *ten Pounds*; to be ordered out of the public Treasury, by the Court before whom such Conviction is had.

And more effectually to prevent the passing of such counterfeit, forged, or altered Bills, and Injustice arising thereby:

Be it further enacted by the Authority aforesaid, That when and so often

as it shall happen that any such false, forged, altered or counterfeit Bill shall be brought to the Treasurer of this State, or offered to him, in Payment of Rates, or to be exchanged, he shall secure them; and he is hereby authorized to seize and retain them; entering on the Back thereof the Name of the Person in whose Possession they were; and then deliver the same into the Hands of some Authority to be enquired into. Treasurer to retain counterfeit bills, &c.

And every Assistant and Justice of the Peace, is hereby authorized and empowered, to seize and take into his Custody, every such false Bill which he shall see, observe, or have Knowledge of, and the same to retain, entering on the backside thereof the Name of the Person from whom he takes the same; and at his Discretion to cause the Person from whom he took such Bill, or the Person from whom the Treasurer took such Bill, and lodged with him, to be examined in the Premises; and to administer an Oath to such Person or Persons to declare of whom he or they received it; and thereon to proceed in his Enquiries in the Manner aforesaid, after the Author of the Mischief, as far as such Authority's Discretion will guide him. Assistant or Justice duty to retain counterfeit bills, &c.

Be it further enacted by the Authority aforesaid, That whenever any Person shall be the Possessor of any such false or counterfeit Bill, (on his discovering it to be such) he shall deliver the same to some Assistant or Justice of the Peace, and inform him that he considereth the same to be false, and counterfeit; and what method he shall suppose the same to be false, as aforesaid; he shall to take, take the same, and write the Name of the Person of whom he received it, on the back of said Bill, and that it was delivered him as a counterfeit Bill. Possessor of counterfeit bills, &c.

And such Persons that so deliver up such Bill, or from whom such Bill is taken in either of the Methods aforesaid, may after such Delivery or Taking, go to the Person of whom he received the same, and demand of him pay therefor, informing him where such Bill is lodged. How to recover over of the person from whom received.

And if any Person of whom he received said Bill, shall refuse or neglect to make him Satisfaction therefor; or without such Demand, Information or Refusal, (if Need so require) may bring his Action for Damage, in not paying him for said Bill, or for putting off such Bill to him, before any Court, Assistant, or Justice of the Peace, proper to try the same; alleging the same to be taken or delivered up as aforesaid. On refusal his action, &c.

And in the Trial of any such Case, if the Bill be found to be false, forged or counterfeit, to the Satisfaction of the Court that tries the same, the said Court shall proceed to enquire into the equity of the Case, by examining the Parties under Oath, and taking any other Evidences as they shall judge just and right; and upon their finding to their Satisfaction, that such Plaintiff received the same Bill of the Defendant for a true Bill, they shall give Judgment for the Plaintiff for his just Damages, and Cost. Trial, by enquiry into the equity of the case, &c.

Provided always, Such Bill be delivered up or taken, as aforesaid, before the Plaintiff offered the same back to the Person of whom he received it. Provido.

Provided also, That no Person be prosecuted in Form, as aforesaid, but within one Year after he puts off such Bill; which Fact may be enquired into in Form aforesaid. Provido.

And it is further enacted, That all and every Person that hath at any Time had any such Bill that shall be taken from the Possessor, or shall by the Possessor be delivered up, as aforesaid, and hath caused the Person to whom he put off said Bill for the same, shall have the like Liberty in prosecuting, and taking Remedy, as aforesaid, against the Person of whom he received the same. The remedy extended, &c.

And that every Assistant or Justice that shall have such Bill in his Hands, shall at the Cost of the Party, safely convey the same to any Court, where the same may be wanted in the Trial of the Case. Bill conveyed to courts, &c.

To be destroyed.

And that if any Court, Assistant, or Justice hath had the possession of such false or counterfeit Bill the space of one Year, he shall destroy the same.

No bills, for a medium to issue from a private fund, unicis, &c. on penalty, &c.

*Be it further enacted by the Authority aforesaid,* That if any Person, Society, Number of Persons, or Company within this State, without special Authority from the Legislature, shall presume to strike, emit, or put out any Bills of Credit, on any Fund or Credit of any Person or Persons, Society or Company, to be used and improved as a general Currency, or medium of Trade, as; and in Lieu of Money; such Person or Persons, Society or Company, and every of them, shall be subject to the same Pains, Penalties and Forfeitures, and be punished in the same Manner as those are by this Act subjected to, who shall be convicted of forging or counterfeiting the Bills of Credit of this State.

Forfeiture of double the value; how recovered, &c.

And that if any Person or Persons in this State, shall utter, vend or pass any Bills or Notes, or any other Currencies whatever, which either have been, or hereafter shall be struck, emitted or put out to be used as aforesaid, on the Fund or Credit of any private Person or Persons, Society or Company whatever, either in this or in the neighbouring States; he or they so offending, shall forfeit double the Sum, or Value expressed in such Bill, Note or other Currency: The one Half thereof to him or them that shall prosecute the same to Effect, and the other Half to the Town Treasury, when the Trial shall be before an Assistant or Justice; and to the County Treasury when it shall be before the County Court.

The same method to be taken to detect counterfeit coins.

*And be it further enacted by the Authority aforesaid,* That the Treasurer and Civil Authority be, and they hereby are authorized and directed, to take the same Method to discover, detect and secure all false and counterfeit Coins made in imitation of any Gold or Silver Coins that are or may be current in this State, and to detect the Authors of the Fraud, as is in this Act before provided and directed in case of false or counterfeit Bills of public Credit.

Like remedy recovered over as in case of counterfeit bills, &c.

Any any Person who hath sustained or may sustain any Damage by receiving any false or counterfeit Coin, or any false, forged, counterfeit, or altered Note, Security, Certificate or Order, made in imitation of, or purporting to be a Note, Security, Certificate or Order, issued under the Authority of the the United States, or of this State, shall and may have remedy for Recovery of such Damages, in the same Manner as is by this Act provided and directed in Case of Damages sustained by receiving false or counterfeit Bills of public Credit.

Grandjurors to present.

And all Grand-jurors and Constables are hereby required to make Presentment of all Breaches of this Act.

## An Act for stating, limiting, and naming the Counties in this State.

Names of counties.

*BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same,* That the Towns of Hartford, Weatherfield, Middletown, Farmington, Simsbury, Haddam, East-Haddam, Hebron, Glassenbury, Bolton, Willington, Stafford, Tolland, East-Windsor, Suffield, Enfield, Somers, Southington, Chatham and East-Hartford, shall be and remain one County, by the Name of the County of Hartford.

Hartford county.

New-Haven county.

That the Towns of New-Haven, Milford, Branford, Wallingford, Derby, Durham, Waterbury, Guilford, Cheshire and Woodbridge, shall be and remain one County, by the Name of the County of New-Haven.

That the Towns of *New-London, Norwich, Lyme, Groton, Preston, Stonington, Say-Brook, Killingworth and Colchester*, shall be and remain one County, by the Name of the County of *New-London*. New-London County.

That the Towns of *Fairfield, Stratford, Norwalk, Stamford, Greenwich, Danbury, Newtown, Ridgfield, Redding and New-Fairfield*, shall be and remain one County, by the Name of the County of *Fairfield*. Fairfield County.

That the Towns of *Windham, Lebanon, Plainfield, Canterbury, Mansfield, Coventry, Pomfret, Killingly, Woodstock, Ashford, Voluntown, and Union*, shall be and remain one County, by the Name of the County of *Windham*. Windham County.

That the Towns of *Litchfield, Woodbury, New-Milford, Harwinton, New-Hartford, Berkeleysfield, Hartland, Colebrook, Norfolk, Canaan, Salisbury, Sharon, Kent, Cornwall, Haverhill, Torrington, Goshen and Winchester*, shall be and remain one County, by the Name of the County of *Litchfield*. Litchfield County.

**An Act for constituting and regulating Courts ; and appointing the Times and Places for holding the same.**

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That there shall be yearly, Two General Courts yearly two General Courts, or Assemblies, held in this State ; the one at *Hartford*, on the second Thursday in *May*, and the other at *New-Haven*, on the second Thursday in *October*, (unless necessitated by infectious or epidemical Diseases or otherways, occasionally to remove to some other Place) : And the first shall be called the Court of Election ; wherein shall be chosen from Time to Time, One Governor, who shall be the Chief Magistrate of this State, and be styled, *His Excellency* ; and one Lieutenant-Governor, whose Title shall be, *His Honor* ; and twelve Assistants or Counsellors ; a Treasurer, and Secretary for this State.

And the said General Court shall be composed of two Branches ; the Governor and Council, and the House of Representatives ; who shall convene in different Apartments to transact the public Business : And any Act may be originated by either Branch, but not be valid without the Concurrence of both. The Governor, or in his Absence the Lieutenant-Governor shall preside in Council : And when the Governor is present to preside, the Lieutenant-Governor shall have a Voice in Council ; and the Governor, or Lieutenant-Governor and six Counsellors, shall be necessary to make a Quorum for doing Business. That if at any Time, by Death or otherwise, the Offices of Governor and Lieutenant-Governor shall be vacant, or if the Governor and Lieutenant-Governor shall be Absent out of the State, or be unable to attend the General Court, the senior Member of the Council present, shall preside in Council ; who, together with six other Members, shall have Power to transact the Business of the Council. And not less than forty of the Deputies or Representatives from the several Towns in this State, that shall be present to attend the said Court, shall make a House of Representatives for transacting Business. Of whom to consist.

In which General Court, shall consist the Supreme Power and Authority of this State ; and they only shall have Power to make Laws and repeal them ; to grant Levies, to dispose of Lands undisposed of, to Towns, or particular Persons : And also to institute and stile Judicatories and Officers as they shall see necessary for the good Government of this State. Their power.

Also to call any Court, or Magistrate, or any other Officer or Person whosoever to an Account, for any Misdemeanor or Male-Administration ; and

To call any officer to account.

for just Cause, may fine, displace or remove them or deal otherwise as the Nature of the Cause shall require; and also may deal and act in any other Matter that concerns the good of this State; except the Election of Governor, Lieutenant-Governor, Assistants or Counsellors; which shall be done by the Votes of the Freemen, at the yearly Court of Election.

**Proviso.** Provided; That if there be any want of any of the said Officers, by reason of Death or otherways, after the Election, such Want shall or may be supplied and made up by the General Court's Election, or appointing some suitable Person or Persons to supply such Vacancy.

**To grant reprieve** That the General Court only, shall have Power, upon Grounds to them satisfying, to grant Pardons, Suspensions and Gaol-Delivery upon Reprieve in capital and criminal Cases, unto any Person or Persons that have been sentenced in any other Court whatever in this State.

**Not to be dissolved without, &c.** That none of our General Courts shall be dissolved or prorogued without the consent of the major Part thereof.

**Power to call special assembly.** That the Governor, or in his Absence the Lieutenant-Governor, by himself, or the Secretary, shall upon any emergent or special Occasion, call a General Court upon fourteen Days Warning, or less, if he see it needful; *proviso* he give an Account thereof to the Assembly, when they shall be met together.

**Punishy for revealing secrets, &c.** That if any Member of the General Court, shall reveal or disclose any Matter which the Court enjoins to be kept secret; or shall make known to any Person what any one Member of the Court speaks concerning any Person, or business that may come in Agitation in the Court, he shall for every such Offence, forfeit ten Pounds to the public Treasury.

**No member to appear as attorney.** That no Member of the General Court shall appear as an Attorney at the Bar of the said Court; unless it be in his own Cause, or in behalf of the Town he represents; or such Cases where the Law will not allow him to sit as Judge.

**Free from arrests, &c.** Nor shall any Member of the said Court, during the Sessions thereof, or in going to, or from the said Court, be arrested, sued or imprisoned, or any ways molested or troubled, or compelled to answer to any Suit, Bill, Plaint, Declaration or otherwise, before any other Court, Judge or Justice; Cases of High Treason and Felony excepted.

**Town liberty to send one or two deputies.** And that the Freemen in every Town in this State, shall have Liberty to send one, or two Deputies to every Session of the General Assembly; which Deputies shall have the Power and Voices of all the Freemen deputed them in any Matter proper for said Assembly to act in.

**Deputies to meet on election day at 8 o'clock, and choose speaker and clerk.** That the Deputies or Representatives, who are returned from the respective Towns to serve in the General Assembly in May annually; shall meet at their Chamber in the State-House, at eight of the Clock in the Morning on the said Day of Election; when and where they shall choose a Speaker and Clerk for them to act, before the public Service, and Election on said Day. And that the said Deputies returned to serve in the General Assembly in October, annually, shall meet at the State-House in New-Haven, at nine of the Clock in the Morning, on the second Thursday of October, and proceed to form the House, as above said.

**Right to determine the election of their own members.** And when the said Deputies or Representatives are met together at any General Assembly, it shall be lawful for them, or the major Part present, to examine, hear, and determining any Difference that may arise about the Election of any of their Members.

**Deputy must be a freeman, and regularly chosen.** And that no Person shall be accepted a Deputy in the General Court, that is not known to be a Freeman of this State, and regularly chosen thereunto by the Freemen of that Town for whom he serves; nor before he takes the Deputy's Oath by Law provided to be administered to them.

That at the opening of every General Assembly, the Clerk of the House

of Representatives, then, and every Morning, from Day to Day during the whole Sessions, shall in the Lower-House, call over the Names of the several <sup>Absence to be</sup> ~~Deputies or Representatives of the respective Towns in this State, returned to~~ daily noted. ~~serve as aforesaid, and note those that are absent when called.~~

And the Governor, or in his Absence the Lieutenant-Governor, shall have a casting Voice, whenever an equi-vote shall happen in the Upper-House. Governor & speaker to have casting voice, &c.  
And the Speaker shall have a casting Voice whenever an equi-vote shall happen in the Lower-House.

And be it further enacted by the Authority aforesaid, That there shall be a Superior Court of Judicature over this State, held and kept annually, at the respective Times and Places hereafter in this Act mentioned, by one Chief Judge, and four other Judges; to be appointed and commissioned for that Purpose: Any Three of whom shall have Power to hold said Court: Which Court shall have Cognizance of all Pleas of a criminal Nature, that relate to Life, Limb or Banishment, and other high Crimes and Misdemeanors, and of Divorce, and of Adultery; and also shall have Cognizance of all Pleas, real, personal or mixt, in civil Causes or Actions, between Party and Party, whether the same do concern the Realty, and relate to any right of Freehold or Inheritance; or whether the same do concern the Personality; and relate to matters of Debt, Contract, Damage, or any other personal Right or Injury; or whether the same do concern and relate both to the Realty and Personality, and are of a mixt Nature, brought before them by Appeal, Writ of Error, *Scire Facias*, Complaint or otherwise as the Law directs; and the same to try by a jury or otherwise, according to Law; and therein to proceed to Judgment, and award Execution thereon accordingly. <sup>Powers of superior court.</sup>

And also shall have Jurisdiction of all Suits for Relief in Equity, wherein the Value of the Matter or Thing in Demand, exceeds the Sum of One Hundred of matters of <sup>Jurisdiction of equity.</sup> Pounds; and to enquire into the same by themselves, or a Committee; and proceed therein to final Sentence and Decree, and enforce the same according to the Rules of Equity.

That the Times and Places for holding the said Superior Court of Judicature, shall be as follows, *That is to say*; <sup>Times and places of sessions.</sup>

Within and for the County of *Litchfield*, at *Litchfield*, on the first Tuesday in <sup>At Litchfield.</sup> *February and August*, annually.

Within and for the County of *Fairfield*, at *Fairfield*, on the last Tuesday save <sup>Fairfield.</sup> *Two*, in *February and August*, annually.

Within and for the County of *New-Haven*, at *New-Haven*, on the last <sup>New-Haven.</sup> *Tuesday save One*, in *February and August*, annually.

Within and for the County of *Hartford*, at *Hartford*, on the first Tuesday in <sup>Hartford.</sup> *March and September*, annually.

Within and for the County of *Windham*, at *Windham*, on the third Tuesday <sup>Windham.</sup> *in September and March*, annually.

And within and for the County of *New-London*, at *Norwich* on the fourth <sup>New-London & Norwich.</sup> *Tuesday in March*, and at *New-London* on the fourth Tuesday in *September*, annually.

And the Chief Judge, or in his Absence any three of the other Judges, shall, <sup>Power to call a special court.</sup> and they are hereby empowered to call a Special Superior Court, upon any extraordinary Occasion.

And when it shall so happen, that the said Court cannot conveniently be held at the Time or Place appointed, any three of the Judges shall have Power to <sup>Three judges of the superior court, empowered to adjourn, &c.</sup> adjourn it, to any other Time or Place within the County; or may continue the Matters therein depending, to the next stated Term; giving Notice thereof to the Sheriff in Writing under their Hands; who shall proclaim and publish the same, in such Manner as the said Judges shall direct.

To call in assistants.

That when, and so often as it shall happen, that by reason of the necessary Absence of, or just Exception against any of the Judges of the said Superior Court, there shall not be a sufficient Number of them to hold said Court, to try any Cause, the same shall be supplied by any of the Assistants of this State.

One judge, power to open and adjourn.

That any one of the Judges of said Court, being at the Place and Time for opening said Court, shall have full Power to open and adjourn the same.

Sheriff power to adjourn

And that if all the Judges of said Court shall be providentially hindered, or shall not be there at the Time for opening said Court, the Sheriff of the County shall, and he is hereby impowered to adjourn the said Court by Proclamation to the next Day, till the Judges may arrive at the Place. Which Adjournments shall be good and effectual; and all Parties concerned in said Court are to take Notice accordingly.

Judges power to appoint a clerk, &c.

That the Judges of said Court shall have full Power to appoint and swear a Clerk for said Court, who shall be, and he is hereby fully impowered to grant Executions on Judgments rendered in said Court, to act and do all Things proper for him as Clerk of said Court in the Execution of his Office, according to the Rules, Orders and Directions of said Court, and according to Law.

County courts, their powers, &c.

Be it further enacted by the Authority aforesaid, That there shall be held and kept in each respective County in this State, yearly, and every Year, at the Times and Places hereafter in this Act mentioned, two Courts of Common Pleas or County Courts, by a Judge with two or more Justices of the Quorum, to be appointed and commissioned for that Purpose; any three of whom shall have Power to hold said Court, which Court shall have full Power to hear, examine, try and determine, by a Jury or otherwise, according to Law, all civil Causes, real, personal or mixt; and also all criminal Matters, not extending to Life, Limb, Banishment, Adultery or Divorce, regularly brought before them:

Jurisdiction of matters of equity.

And also, all Suits for Relief in Equity, wherein the Matter or Thing in demand does not exceed the Sum of One Hundred Pounds; and proceed therein to a final Sentence and Decree, and enforce the same according to the Rules of Equity:

To tax.

And the said County Courts or Courts of Common Pleas in each County, and the Grand-jurors there present, shall also have Power and Authority, and they are hereby impowered to grant and levy a Tax annually, as the Necessity of the Case may require, upon each Town in the said County, according to the Lists of Estate for such Year, for the Paying those Debts of the County or necessary Charges thereof which cannot be paid out of the Fines and Perquisites allotted for that End.

When and where held.

That the Times and Places for holding the said County Courts within the several and respective Counties shall be as follows: That is to say;

Hartford.

For the County of *Hartford*, at *Hartford*, on the first *Tuesday* in *April* and *November*, annually.

New-Haven

For the County of *New-Haven*, at *New-Haven*, on the first *Tuesday* in *April*, and on the second *Tuesday* in *November*, annually.

New-London

For the County of *New-London*, at *New-London*, on the second *Tuesday* in *June*, and at *Norwich*, the fourth *Tuesday* in *November*, annually.

Fairfield.

For the County of *Fairfield*, at *Fairfield*, on the third *Tuesday* in *April* and *November*, annually.

Windham.

For the County of *Windham*, at *Windham*, on the third *Tuesday* in *June*, and the second *Tuesday* in *December*, annually.

Litchfield.

And for the County of *Litchfield*, at *Litchfield*, on the fourth *Tuesday* in *March* and *September*, annually.

To call special court.

That the Judge of each respective County Court shall be; and he is hereby impowered to call a special County Court upon any extraordinary Occasion:

That the Judge and Justices of each respective County Court, shall be, and they are hereby empowered to adjourn the said Court upon any necessary Occasion, as they shall see Cause, to some distant Time.

And the Judges of the County Court in *New-London* County, shall have Liberty to adjourn to and hold their adjourned Courts either in the Town of *New-London* or *Norwich*, as they shall judge convenient.

And that when, and so often as it shall happen, that by reason of the necessary Absence of, or just Exception against the Judge or any of the Justices of the Quorum in any County, there shall not be a sufficient Number of them to hold such Court, or try any Cause; the Quorum shall be supplied by any of the Justices of the Peace of that County to which the Court belongs.

And the said County Courts are hereby empowered to nominate, appoint and swear their own Clerks and a Treasurer for their respective Counties.

Which Clerks, so appointed and sworn, shall be, and they respectively are hereby empowered to grant Attachments, Summonses, and Replevins according to Law : Also to grant Executions on Judgments rendered in said Courts on which Executions are to be issued ; and to act and do all other Matters and Things according to the Orders and Directions of said Courts; proper for them in the Execution of said Office, and according to Law.

Be it further enacted by the Authority aforesaid, That the chief Judge or President for the Time being of the Superior Court, and the Judge or President for the Time being of the County Courts, whenever an Equi-vote shall fall out in either of the said Courts, shall respectively have a casting Voice. The like Power and Authority every President or Moderator, in any civil Court, Meeting or Assembly in this State, shall exercise in such Cases.

And be it further enacted by the authority aforesaid, That there shall be a Court of Probate held and kept in each of the several Districts hereafter mentioned, to be held by one Judge to be appointed and commissioned for that Purpose : Each of which Judges shall have a Clerk, by him to be appointed and sworn to the Office : Which Courts of Probate shall have the Power and Cognizance of the Probate of Wills and Testaments, granting Administration, appointing and allowing of Guardians, and of acting in all testamentary and probate Matters, and in every other Thing proper for a Court of Probate to act in according to Law.

That the Districts of the several Courts of Probate shall be as follows : That is to say ;

That the Towns of *Hartford*, *Windser*, *Wethersfield*, and *Suffield*, shall be one District, and called by the Name of the District of *Hartford*.

That the Towns of *New-Haven*, *Milford*, *Derby* and *Woodbridge*, shall be one District, and be called by the Name of the District of *New-Haven*.

That the Towns of *New-London* and *Lyme*, shall be one District, and called by the Name of the District of *New-London*.

That the Towns of *Fairfield* and *Norwalk*, shall be one District, and called by the Name of the District of *Fairfield*.

That the Towns of *Windham*, *Lebanon*, *Mansfield* and *Coventry*, shall be one District, and called by the Name of the District of *Windham*.

That the Towns of *Plainfield*, *Canterbury*, *Killingly* and *Voluntown*, (except the two north Societies in *Killingly*) shall be one District, and called by the Name of the District of *Plainfield*.

That the Towns of *Guilford* and *Branford*, shall be one District, and called by the Name of the District of *Guilford*.

That the Towns of *Woodbury*, *New Milford*, and the Society of *Judea* in the Town of *Washington*, shall be one District, and called by the Name of the District of *Woodbury*.

N. London  
county may  
adjourn to  
N. London  
or Norwich.

Justices may  
be called on  
to make a  
quorum.

To appoint  
clerk and  
treasurer.

Clerks to be  
sworn,---  
their power  
&c.

Chief judge,  
&c. to have  
a casting  
voice.

Courts of  
probate in-  
stituted---to  
have a clerk  
&c.

Jurisdictions

Several dis-  
tricts.

Hartford.

New-Haven

N. London.

Fairfield.

Windham.

Plainfield.

Guilford.

Woodbury.

- That the Towns of *East-Haddam, Colchester, Hebron* and that Part of *Chatham* south of *Salmon-river*, shall be one District, by the Name of the District of *East-Haddam*.
- E. Haddam.**
- That the Towns of *Litchfield, Goshen, Torrington, Cornwall, Harwinton*, the Society of *East-Greenwich* in *Kent* and the Town of *Washington*, (except the Society of *Judea*) shall be one District, by the Name of the District of *Litchfield*.
- Litchfield.**
- That the Towns of *Stanford* and *Greenwich*, shall be one District, by the Name of the District of *Stanford*.
- Stanford.**
- That the Towns of *Danbury, Redding, Newtown, Ridgfield* and *New-Fairfield*, shall be one District, by the Name of the District of *Danbury*.
- Danbury.**
- That the Towns of *Norwich* and *Preston*, shall be one District, by the Name of the District of *Norwich*.
- Norwich.**
- That the Towns of *Middletown, Haddam, Durham* and *Chatham*, except that Part south of *Salmon-river*) shall be one District, by the Name of the District of *Middletown*.
- Middletown.**
- That the Towns of *Pomphret, Ashford*, and *Woodstock*, Society of *Mortlake* and the two north Societies in the Town of *Killingly*, shall be one District, by the Name of the District of *Pomphret*.
- Pomphret.**
- That the Towns of *Sharon, Salisbury, Canaan* and the first Society in the Town of *Kent*, including the Lands on the west Side of *Ousatunnuck-river* annexed to said *Kent*, shall be one District by the Name of the District of *Sharon*.
- Sharon.**
- That the Towns of *Stafford, Tolland, Willington, Somers, Union*, and the east Part of the Society of *Ellington* in the Town of *East-Windsor*, extending as far West as the west Line of *Tolland*, shall be one District, by the Name of the District of *Stafford*.
- Stafford.**
- That the Towns of *Symsbury, Berkhempsted*, and *Hartland*, shall be one District, by the Name of the District of *Symsbury*.
- Symsbury.**
- That the Towns of *Stonington* and *Groton*, shall be one District, by the Name of the District of *Stonington*.
- Stonington.**
- That the Towns of *Farmington, Southington*, and *New-Hartford*, shall be one District, by the Name of the District of *Farmington*.
- Farmington.**
- That the Towns of *Wallingford, Cheshire*, and the Society of *Norford* in the Town of *Branford*, shall be one District, by the Name of the District of *Wallingford*.
- Wallingford.**
- That the Towns of *Say-Brook* and *Killingworth*, shall be one District, by the Name of the District of *Say-Brook*.
- Say-Brook.**
- That the Town of *Stratford*, shall be one District, by the Name of the District of *Stratford*.
- Stratford.**
- That the Town of *East-Windsor*, (except that Part of the Society of *Ellington* lying East of a meridian Line drawn from the north-west Corner of *Tolland*) the Towns of *Glastenbury, Enfield, Bolton*, and *East-Hartford*, shall be one District, by the Name of the District of *East-Windsor*.
- E. Windsor.**
- That the Towns of *Waterbury* and *Watertown*, shall be one District, by the Name of the District of *Waterbury*.
- Waterbury.**
- That the Towns of *Norfolk, Colbrook* and *Winchester*, shall be one District, by the Name of the District of *Norfolk*.
- Norfolk.**
- In each of which Districts shall be kept and held, a Court of Probate, as Courts to be held in any town within the district.
- That the Judges of the several Courts of Probate aforesaid, shall have Liberty and Power, and the same is hereby given them, to hold their said Courts in any of the Towns within the respective Districts to which they are or shall be appointed.
- And that so often as any difficult or disputable Matter, happen in any Case depending before any of the Judges of the Court of Probate, such Judge shall
- Judge may call in justices to assist.

have Liberty and Power to call in to his Assistance, any two or three of the Justices of the Quorum of that County in which such disputable Matter arises.

And be it further enacted by the Authority aforesaid, That if any Person be aggrieved with the Judgment, Sentence, Decree, Determination, Denial, or Order of any of the Courts of Probate, he may appeal to the Superior Court in that County in which the Matters of Dispute and Controversy shall happen to be or arise. Every Person so appealing, giving sufficient Security to prosecute such Appeal to Effect and answer all Damages in case he fail to make his Plea good.

Appeal allowed.

Provided, That such aggrieved Person (if within this State, or the States of New-Hampshire, Massachusetts, Rhode-Island, New-York, or New-Jersey, and of full Age at the Time of such Court of Probate's declaring such Order, Sentence, or Decree, shall within eighteen Months after such Declaration, or within eighteen Months after he or she come to the Age of twenty-one Years, or come into this State, enter his or their Appeal from such Judgment, Sentence, Determination, Denial or Order.

Provido.

And all Persons aggrieved, as aforesaid, and being of full Age, and present, or having legal Notice to be present at the Court of Probate which shall give such Judgment, Sentence, Determination, Denial or Order, shall have Liberty to appeal to the next Superior Court, and to no other after.

Appeals to the next sup. court only, when allowable.

And be it further enacted by the Authority aforesaid, That the said Superior Court, and the said respective County Courts, and Courts of Probate, shall have a proper Seal belonging to each of the respective Courts, to serve and use for all Causes, Matters, Things and Affairs proper for the said Courts respectively. Each of which Courts are hereby empowered, to procure their respective Seals; and the same being so procured, shall be lodged with the Clerks of the respective Courts, to be improved by their Direction.

Seals for superior, county & probate courts to be respectively provided &c.

## An Act concerning sudden or untimely Deaths.

BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That when, and so often as any Person shall come to any sudden, untimely, or unnatural Death, or be found dead in this State, the Manner of whose Death is not known, the next Assistant or Justice of the Peace, or in their Absence the Constable of the Town, shall forthwith summon a Jury of twelve able and discreet Men, who shall be sworn by such Officer to enquire of the Cause and of the Manner of such Person's Death; and shall present upon Oath a true Verdict thereof, under their Hands, unto some near Assistant or Justice of the Peace, who shall return the same to the next Superior Court in the same County.

When any person is found dead, &c.

Jury of inquest.

And if any Man summoned to serve as a Juror to enquire as aforesaid, shall refuse or neglect to appear and attend that Service, according to Summons, he shall forfeit the Sum of ten Shillings for every such Neglect, to the Use of the Treasury of the Town whereto he belongs. To be levied by Warrant from any Assistant or Justice of the Peace before whom such Juror shall be convicted of such Refusal or Neglect. And that no Fee or Reward shall be allowed for any of the Services aforesaid.

Penalty on jurors refusing, &c.

An Act concerning Book Debts.

Book debts  
out-lawed  
after seven  
years, if the  
debtor, &c.  
be dead.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That all such Book Debts as are now out-standing or that shall hereafter be made, and that shall not within seven Years next after the contracting of said Debt, be either sued for, balanced, or accounted for with the original Debtor, his Attorney, Agent, Assignee, or other lawful Successor or Substitute, and an Account or Balance thereof assured by speciality given for it, or witnessed by subscribing the Debtor or Accompanyant's Name to the Creditor's Book, or by the Subscription of two Witnesses to such Account, shall not, if the original Debtor be dead, be recoverable in any Court in this State.

Proviso.

*Provided*, That the Time that this State shall have been engaged in War, shall not be computed in said Limitation.

Mode of evidence.

And that in all Actions on Book Debts, that shall be tried by a Jury, the Jury shall well weigh and consider the Credit of the Parties or any other Persons interested, admitted by the Court to take the Oaths in or out of the Court, in such Cases and such Form, as Testimonies in other Cases are by Law allowed, together with any other Evidence given them, and all the other Circumstances attending such Cases; and upon their Oaths shall give their Verdict thereon for what they shall find justly due upon their Evidence.

Balance may be recovered in favour of the defendant.

That in every Action of Debt brought on Book; wherein it shall appear upon Trial, that the Plaintiff in the Action, is in Arrear or in Debt to the Defendant to balance Book Accounts; the Court, Assistant, or Justice of the Peace, before whom the Trial shall be, shall give Judgment for the Defendant, to recover the same of the Plaintiff, together with his just Costs.

Proviso.

*Provided*, That no Assistant, or Justice of the Peace, shall in such Case, give Judgment for the recovery of such Balance when the same shall exceed four Pounds.

When the defendant neglects to appear, &c. no costs to be allowed him in an after suit, unless, &c.

And be it further enacted by the Authority aforesaid, That if any Defendant in Action of Debt on Book, brought against him, before any Court, Assistant, or Justice of Peace in this State, shall neglect to exhibit his Account on Trial, to be adjudged as aforesaid, and shall afterwards bring Action against the other Party, for the recovery of any such Articles of Book Debt as might have been adjudged and settled in the Trial of the former Action, if he recover Judgment for such Debt, he shall not be allowed any Cost; unless he make it appear to the Satisfaction of the Court, Assistant, or Justice, before whom the Trial is, that he had no Knowledge of the former Suit, before the Time of Trial, or was inevitably hindered from appearing and exhibiting his Account as aforesaid.

An Act for the recovery of Debts, out of the Estate or Effects of absent, or absconding Debtors.

Preamble.

*FOR* the better preventing Fraud and Deceit, sometimes designed and practised by ill-minded Debtors, who betray their Goods, Estate or Effects in the Hands of others, with Intent to reserve and secure the same to their own Use, and thereby defeat their Creditors of their just Dues; or they not being Inhabitants within this State, conceal their Goods and Effects so that they cannot be attached or be made liable to the Payment of their Creditors by any ordinary Process of Law:

**B**E it en-*acted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same,* That it shall and may be lawful for any Creditor, to cause the Lands, Goods or Effects of his absent or absconding Debtors, not residing within this State, to be attached in whosoever Hands or Possession the same are or may be found: And the attaching of any Part thereof, shall secure and make the whole that is in such Person's Hands liable in the Law to respond the Judgment to be recovered upon such Process, and shall be subject to be taken in Execution for Satisfaction thereof, as far as the Value thereof will extend. And the Person in whose Hands any such Lands, Goods or Effects are, shall accordingly expose the same.

Effects of absconding debtors attachable in the hands of agent, &c.

That where no Lands, Goods or Effects of any absent or absconding Debtor, in the Hands of his Attorney, Factor, Agent or Trustee shall be exposed to View, or can be found or come at, so as to be attached, it shall and may be lawful for any Creditor to bring his action against his absent or absconded Debtor, for the recovery of his Dues. In which Case the Creditor, by some proper Officer, shall leave an attested Copy of his Writ, at least fourteen Days before the Time of Trial, with such absent or absconding Debtor's Attorney, Factor, Agent or Trustee, or at the Place of his or their usual Abode; which Service shall be a sufficient Citation for the Creditor to bring forward his Action to Trial: Unless the Debtor be an Inhabitant of this State, or hath for some Time dwelt therein; in which Case a like Copy shall be left by such Officer at the Dwelling-House, Lodging or Place of his last or usual Abode.

How suit is to be instituted, when estate is not to be come at,

That such Attorney, Factor, Agent or Trustee, upon his Desire, shall be admitted to defend his Principal in such Suit, through the course of Law, according to the Nature of the Action. But if the Debtor be not in this State, and no Attorney, Factor, Agent or Trustee appear to defend in the Suit, the Court shall continue the Action to the next Court, and then if need be, shall continue the same once more to the next Court, (that such Attorney, &c. may have Opportunity to notify his Principal) and then without special Matter alledged and allowed in Bar, or Abatement, the Action shall come to Trial; and if Judgment be rendered for the Plaintiff, all the Goods or Effects which are in the Hands of such Attorney, Factor, Agent or Trustee, to the value of such Judgment, (if so much there be) shall be liable, and subjected to Execution granted upon such Judgment for, or towards the satisfying the same; and from the Time of serving the Writ or Summons, as aforesaid, shall be liable, and be secured in Law in the Hands of, and may not otherwise be disposed of by such Attorney, Factor, Agent or Trustee.

Debtor's agent may defend his principal, &c.

And if such Attorney, Factor, Agent or Trustee, after the Time of his being served with a Writ or Summons, as aforesaid, taken out against his Principal, (being an absent or absconding Debtor) shall transfer, remit, dispose of, or convert any of the Goods or Effects of such Debtor in his Hands at the Time of such Service within what shall satisfy the Judgment given, as aforesaid; or that shall not discover, expose, or subject the Goods or Effects of such Debtors in his Hands to be taken in Execution, for, and towards the satisfying the Judgment so far, as what in his Hands or Possession will extend, shall be liable to satisfy the same of his own proper Goods or Estate, as much as if it were his own proper Debt: And a Writ of *Scire Facias* may be taken out out from the Clerk of the Court where the Judgment was given, to be served upon such Attorney, Factor, Agent or Trustee, requiring him to appear before such Court, and to shew Cause, if any he have, to the contrary thereof; and upon default of Appearance of such Attorney, Factor, Agent or Trustee, or refusal to disclose upon his Oath, (which Oath such Court is hereby authorized to administer) what Goods or Effects of the Debtor are, or were in his hands or Possession, then Judgment shall be entered up against him of his own proper

When the agent, &c. is liable to pay out of his own estate,

Goods or Estate, as though it was his own Debt, and Execution shall, in usual Form of Law, be granted thereon.

Debts liable to be taken as well as the effects of absconding debtors.

That Debts due to any such absent or absconding Debtor, shall be considered as his Effects in the Hands of the Person from whom the same are due; who shall be considered as his Agent or Trustee, and be obliged to account for the same under Oath; and Recovery may be had against him in the same Manner as for Goods or Chattels of such absconding Debtor.

Provido,

*Provided nevertheless,* That if upon Trial, it appear that the Person summoned by such *Scire Facias*, had, or hath not, any Goods or Effects of the Debtor in his Hand, nor hath any ways remitted, transferred, disposed of, or converted the same after the serving the Suit taken out against his Principal, and served as aforesaid; the Party that commenced the Suit by *Scire Facias*, shall pay Cost to such Attorney, Factor, Agent or Trustee, to be allowed and taxed by the Court in usual Form.

Effects thus taken out of the hands of the factor, &c. shall discharge him from the principal.

*And be it further enacted by the Authority aforesaid,* That the Goods or Effects of any absent or absconding Debtor, taken as aforesaid, by Process and Judgment of Law out of the Hands of his Attorney, Factor, Agent or Trustee, by any of his Creditors, shall fully acquit and discharge such Attorney, Factor, Agent or Trustee, his Executors and Administrators, from all and every Action, Suit, Trial, Payment and Demand whatsoever, that may be brought, commenced or made by his Principal, his Executors or Administrators, of, or for the same.

And he may plead the general issue, & give this act in evidence.

And if any such Factor, Agent or Trustee, his Executors, or Administrators, shall be molested, troubled or sued by his Principal, for any Thing by him done, in compliance with this Act, he or they may plead the general issue, and give this Act in Evidence for his Justification.

An Act for the preservation and increase of Deer; and for the encouragement of keeping them in Parks, or other Inclosures.

Preamble.

**W**HEREAS the killing of Deer at unseasonable Times of the Year, is very Prejudicial to the public Good; the Flesh and Skins being then but of little Value, and their Increase greatly binared:

Penalty for killing deer in certain seasons.

**B**E it therefore enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That no Person or Persons, Indian or others, shall kill any Deer within this State, at any Time in the Months of *January, February, March, April, May, June or July*, on Penalty of paying a Fine of four Pounds; one Half to any Person that shall give Information thereof, and prosecute the same to effect, and the other Half to the Treasury of the Town where the Conviction is had. And any one Assistant, or Justice of the Peace, is hereby authorized to hear and determine any Offences against this Act; and may grant Execution on such Judgment, for the Fine and Cost in common Form: Or if the Person be unable to pay the same, the said Authority may dispose of him in Service for that Purpose, for a Term not exceeding four Months.

Upon complaint, search-warrant to issue, &c.

And it shall and may be lawful for any Assistant or Justice of the Peace, on just Suspicion being shewn that any Deer hath been killed contrary to this Act, to grant a Warrant to search for the Venison or Skins, in the same Manner as in the Case of stolen Goods, that such Offenders may be detected.

And in case any Venison or Skins of any Buck, Doe or Fawn, newly killed, shall be found with or in the Possession of any Person, he shall be judged guilty

of killing such Deer ; unless such Person can satisfy the Authority before whom the Trial is, of his Innocency, by giving a satisfactory Account how the same came into his Possession, and that he did not kill such Deer, nor was aiding or assisting therein.

And if venison, &c. is found in the possession of any one, liable, unless, &c.

And the Grand Jurors in the respective Towns, shall enquire after, and inform of all Breaches of this Act : And on Conviction of the Person or Persons informed against, shall be entitled to one half of the Penalty aforesaid.

Who to make presentment.

*Provided*, That nothing in this Act shall be understood to prohibit Persons killing their own Deer, by them kept in Parks or Inclosures.

Proviso-

*And whereas sundry Persons in this State, have erected Parks or Inclosures for keeping and preserving Deer, which is likely to be for the Public Good, and more may be erected for the same Purpose :*

Therefore, For the Encouragement and Security thereof,

*Be it further enacted by the Authority aforesaid*, That if any Person or Persons shall kill or destroy any Buck, Doe or Fawn kept in any Park or Inclosure in this State ; or shall course, chase, hunt or wound any such Deer ; or shall wilfully pull up or throw down any Fence, Gates or Bars inclosing such Park or Inclosure whereby such Deer may escape, without Leave from the Owner or Owners thereof ; or shall be aiding or assisting therein, every such Person or Persons shall, for every such Trespas in killing or destroying such Deer, forfeit and pay to the Owner or Owners thereof *seven Pounds*, besides the Price of such Deer so killed or destroyed :

Penalty of 7l. for killing deer in any park, &c.

And for every such Trespas in coursing, chasing, hunting or wounding such Deer, whether such Deer be found without or within the Park, if it shall appear that the Person committing such Trespas knew, or had good Reason to think that such Deer belonged to the Owner of the Park, shall forfeit and pay, as aforesaid, the Sum of *thirty Shillings*, besides all such Damages as shall be sustained by such coursing, chasing, hunting or wounding :

30s. for chasing, &c.

And for every such Trespas in so pulling up, opening or throwing down any Fence, Gates or Bars, as aforesaid, shall forfeit and pay to the Owner or Owners of such Park or Inclosure, the Sum of *thirteen Pounds* besides all such Damages as shall accrue thereby.

73l. for breaking the inclosure of any park, &c.

*And for further Encouragement of keeping Deer in Parks, and to prevent their being destroyed when by any Accident they get out of the Park ;*

*Be it further enacted*, That no Person shall course, chase or kill any Deer within two Miles of any Park wherein Deer are kept, except the Owner of the Park or by his Licence, on Pain of forfeiting *ten Pounds* to the Owner of such Park.

10l. for any deer within two miles of any park.

Which several Penalties, Forfeitures and Damages, shall and may be recovered by Action, Bill, Plaint or Information.

Recoverable by bill, &c.

Upon Conviction of the Trespasser or Trespassers, and in the Trial of any and every Action brought for any of the Trespases in this Act mentioned, relating to Parks, or the Deer in them, the Court before whom such Case shall be brought, may proceed according to the Method provided in the sixth Paragraph of the Law, entitled, "*An Act for detaching and punishing Trespases in divers Cases, and directing Proceedings therein.*"

Trial to be had in the same manner as directed in the law against trespasses, &c.

*Provided nevertheless*, That if the Defendant in any such Action be an Indian, or other Person ignorant of the Nature of an Oath, then, such Court shall refuse his Oath to discharge him, and shall proceed on the Defendant's Pet to enquire according to, and by any other proper Evidence that may be produced by the Defendant.

Proviso.

An Act for the Punishment of Defamation.

Preamble. *WHEREAS Defamation, and Slander is a growing Evil, and tends much to the disturbance of the Peace :*

Persons that  
defame o-  
thers, to pay  
a Fine, not  
exceeding  
10l. to the  
county trea-  
sury, & da-  
mages.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That whosoever shall defame or slander any Person or Persons whatsoever, and be therefore legally convicted before any Court in this State, shall pay a Sum not exceeding ten Pounds, as a Fine to the public Treasurer of the County in which such Offence is committed, and the Person or Persons slandered, shall have such Costs and Damages, as the Court and Jury that have Cognizance of the said Case shall judge to be reasonable and just.

If Negroes,  
Indians or  
Molattoes  
offend, &c.  
to be whipt,  
and sold to  
defray char-  
ges ; unless,  
&c.

And that if any Negro, Indian, or Molatto-Slave shall utter, publish or speak such Words of or concerning any other Person that would by Law be actionable if uttered, published or spoken by any free Person of or concerning any other ; such Negro, Indian, or Molatto-Slave being thereof convicted before any one Assistant or Justice of the Peace, (who are hereby impowered to hear and determine the same) shall be punished by whipping on the naked Body, at the Discretion of the Assistant or Justice of the Peace before whom the Trial is, (respect being had to the Circumstances of the Case) not exceeding forty Stripes. And such Slave so convicted, shall by such Authority be sold or disposed of to defray all Charges arising thereupon ; unless the same be by his or her Master or Mistress paid and answered.

Proviso.

*Provided nevertheless,* That such Slave be not debarred from making such Pleas, and offering such Evidences in his, her or their Defence or Justification on such Trial, as any other Person might make use of being sued in an Action of Defamation, so far as relates to the Trial before said Assistant or Justice.

*And whereas defaming the Civil Authority of the State greatly tends to bring the same into Contempt ; and thereby to weaken the Hands of those by whom Justice is to be administered :*

Which great Evil to prevent :

For defam-  
ing a court  
of justice, &c  
to be fined,  
imprisoned,  
&c.

**B**E it enacted by the Authority aforesaid, That whoever shall defame any Court of Justice, or the Sentence or Proceedings of the same ; or any of the Magistrates, Judges, or Justices of any Court, in respect of any Act or Sentence therein passed, and be thereof lawfully convicted before any of the General Courts, or Superior Courts in this State, shall be punished for the same by Fine, Imprisonment, Disfranchisement or Banishment, as the Quality and Measure of the Offence, in the Opinion of the Court before whom the Trial is had, shall deserve.

An Act for regulating the Choice of Delegates to represent this State in the Congress of the United States.

Freemen to  
chooe dele-  
gates in  
Congress.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Freemen in the several Towns in this State, on the Day when they give in their Votes for the Nomination of the Honorable Council of the State, in September annually, shall prepare and give in also, in like Manner, their Votes or Suffrages, not exceeding Twelve each, for such Gentlemen as they shall chooe to represent the State as Delegates, in the Congress of the United States, the next Year ; and the Votes being returned to the General Assembly in October, shall be sorted and counted, and those who stand highest in Nomination, to the Number of Twelve, shall be de-

And it is further enacted by the Authority aforesaid, That the Delegates from this State, whether chosen in Manner aforesaid or by the General Assembly as hereafter provided, shall be accountable and answerable to this Assembly for their Conduct from Time to Time, and be liable to be recalled in Case said Assembly shall judge fit.

Provided always, That in Case of Death, Resignation, Refusal or Revocation, **Proviso.**  
the General Assembly may supply such Vacancy as may so happen.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That all Persons prosecuted for any Matter of Delinquency, before the Superior or County Court, shall have Liberty to be tried by a Jury, if desired.

That when any Person or Persons shall be brought before any Assistant or Justice of the Peace, for any Matter of a criminal Nature, such Authority is hereby fully empowered to hear and determine the same, where the Penalty does not exceed the Sum of forty Shillings.

But if by Law such Matter is not determinable by a single Minister of Justice, such Authority shall recognize with Surety, such Person or Persons, if bailable, to appear before the Court proper to try and determine the same: And for want of sufficient Bail to commit him or them to Goal, for the Purpose aforesaid; and also to commit to Goal, all such as are not by Law bailable, that they may be brought to Justice.

That when any Person shall be condemned in any Matter of a criminal Nature, before an Assistant or Justice of the Peace, (except for Drunkenness; profane Swearing, Cursing, or Sabbath-breaking;) he shall have liberty of an Appeal to the next County Court; provided, he give sufficient Security for his Appearance; and for the abiding the judgment that may be given by the County Court therein.

And if any Person who shall be required to appear, and give his Evidence, upon the Trial or Examination of any Delinquent or Criminal, or an Offender against any penal Law, shall refuse to appear, or make Oath to declare his Knowledge in the Case, the Court, Assistant, or Justice holding such Trial, may apprehend and commit the Person so refusing to Goal, there to remain, at his own Cost, till he shall give Evidence as aforesaid.

Provided always, That such evidence shall at no Time be construed to his Prejudice.

And that when any Affiant or Justice of the Peace, shall have plain View, or personal Knowledge of any Person's being guilty of Drunkenness, profane Swearing, Curfing, or Sabbath-Breaking, it shall be accounted good and sufficient Evidence in the Law, for such Affiant or Justice to make up a Judgement against such Person or Persons offending, when guilty

In what cases personal knowledge sufficient for conviction

of any of the said Crimes, having first caused such Persons to be brought before him.

*And be it further enacted by the Authority aforesaid, That no Person shall plead in behalf of any Person or Persons that are upon Examination or Trial for Delinquency, without leave from the Court, Assistant, or Justice before whom such Trial is.*

*And if any Person or Persons upon his or their Examination or Trial for Delinquency, or any other Person not under Examination or Trial as aforesaid, in the Presence of any Court, shall either in Words or Actions behave contemptuously or disorderly, it shall be in the power of the Court, Assistant, or Justice to inflict such Punishment upon him or them as they shall judge most suitable to the Nature of the Offence: Provided, That no single Minister of Justice shall inflict any other Punishment upon such Offenders than Imprisonment, binding to the Peace or Good-behaviour to the next County Court, putting them in the Stocks, there to sit not exceeding two Hours, or imposing a Fine, not exceeding thirty Shillings.*

*And when any Sheriff, Deputy-Sheriff, or Constable shall receive a Warrant from any Court, Assistant or Justice that hath lawful Cognizance of the Offence, to do Execution of a Judgment by them given against any Criminal or Delinquent, such Officer shall proceed according to the Direction of such Warrant to do Execution himself, or by some meet Person by him to be procured, to the acceptance of the Court granting such Warrant; and for doing Execution as aforesaid, a reasonable Satisfaction shall be made, as the Court, Assistant, or Justice shall allow; which shall be taxed as part of the Cost against such Delinquent, and shall be paid, as in this Act is provided for the payment of the Charges of Prosecution.*

*Provided nevertheless, and be it enacted by the Authority aforesaid, That no Person shall be twice sentenced for one and the same Crime, Trespas, or Offence; and that no bodily Punishment that is inhuman, barbarous, or cruel, shall be inflicted on any Person.*

*And be it further enacted by the Authority aforesaid, That all persons who shall for any matter of Delinquency, or of a criminal Nature, be informed against, complained of, indicted or any ways prosecuted by any Informing Officer legally appointed and sworn for that Purpose, shall pay all the necessary Cost arising upon such Prosecution before they shall be discharged; whether on Trial of the Case they shall be found guilty, or not, if it shall appear to the Court, Assistant, or Justice of the Peace before whom the Prosecution shall be, that the same was occasioned by any unlawful or blameable Conduct of the Person or Persons accused; but in every Case where a Bill is presented to a Grand-Jury, and by them returned not a true Bill, and in every other Case, whether an Indictment by a Grand-Jury, or other Information, it shall appear to the Satisfaction of the Court, Assistant or Justice, that such Indictment or Information was occasioned by mistake, or without any faulty Conduct of the Person or Persons accused, such Person or Persons shall be dismissed without paying Cost; and the necessary Cost arisen shall be paid out of the Treasury into which the Fine should have been paid, had the Criminal been fined upon such Prosecution.*

*And that when any Person prosecuted as aforesaid, who ought to pay the cost of his Prosecution, shall not have Estate to pay the same, it shall and may be lawful for the Court, Assistant or Justice, before whom such Process shall be, to dispose of any such Person in Service to any Inhabitant of this State, or of the United States, for so long a Time as shall be necessary to procure Money sufficient to pay such Cost: But when such Charges cannot be obtained out of the Estate or Service of any Person prosecuted*

No person  
to plead &c.  
without  
leave.

Punishable  
for contempt  
&c.

Provido.

Sheriffs, &c.  
to do execu-  
tion, &c.

Provido.

Delinquents  
to pay costs,  
whether  
guilty or not,  
except, &c.

Not having  
estate to pay  
the cost, how  
the same is  
to be paid.

Deferters. Divorce. Dogs.

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as aforesaid, such Charges, if the Trial be in the Superior Court, shall be paid out of the State Treasury; and if such Prosecution be in the County Court, the Cost shall be paid out of the County Treasury; and if before an Assistant or Justice of the Peace, the Cost shall be paid out of the Town Treasury.

Costs &c.  
how paid.

And in case Cost shall arise on any Proceedings, or Pursuit of any Person informed against by any Informing Officer, and such Person cannot be apprehended, or being apprehended shall, without fault of the Officer, escape, before he is committed to Prison, or bailed; if the Crime of which such Person is accused is cognizable by the Superior Court, the Cost shall be paid out of the State Treasury; and if cognizable before the County Court, the Cost shall be paid out of the County Treasury; and said Courts respectively (having allowed such Cost) shall give Order for the Payment thereof accordingly, in every of the Cases aforesaid.

Prosecutions triable before superior court, costs, to be paid out of the state treasury, county court, county treasury.

An Act for taking up and securing Deferters, and for punishing those who shall conceal them.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That if any Soldier or Marine regularly enlisted into, or taken or retained in the Service of this State, or of the United States of America, shall desert said Service, and be found within this State, it shall be the Duty of any and every Person that shall have Knowledge or Information thereof, and especially of the Constables and Grand-Jurors in the several Towns in this State, to give Notice thereof to the next Assistant or Justice of the Peace, who shall by proper Warrant under his Hand, cause such Deforter forthwith to be apprehended and returned to his Commander, or the Place where he was stationed, or committed to the Goal of the County where he shall be taken, and send Intelligence thereof as soon as may be to his commanding Officer in such Way as will be attended with the least Expence.

Deferters to be taken up &c.

That if any Person shall harbour or conceal any such Deforter, knowing him to be such, such Person shall forfeit and pay a Fine not exceeding fifteen Pounds, for the Use of the Treasury of this State, or be imprisoned not exceeding two Months, at the Discretion of the County Court which shall have Cognizance of the Offence.

Penalty for concealing deferters.

An Act relating to Bills of Divorce.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That no Bill of Divorce shall be granted to any Man or Woman, lawfully married, but in Case of Adultery, or fraudulent Contract, or wilful Desertion for three Years with total neglect of Duty; or in Case of seven Years absence of one Party not heard of: After due Enquiry is made, and the Matter certified to the Superior Court, in which Case the other Party may be deemed and accounted single and unmarried. And in that Case, and in all other Cases aforementioned, a Bill of Divorce may be granted by the Superior Court to the aggrieved Party; who may then lawfully marry or be married again.

In what cases bills of divorce are obtainable.

An Act for preventing Mischief by Dogs.

**W**HEREAS much Damage has been occasioned in sundry Parts of this State by Dogs; and of late, in divers Towns in this State, they appear to be at-

Preamble.

*rended with an uncommon disease, indicating Madness; by Means whereof many People have already sustained much Damage, and are greatly endangered and exposed to suffer much more, unless proper Measures are taken to prevent the same.*

Select men with advice of an assistant or justice, to grant orders for restraining of dogs,

**B**E it enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That the Authority and Select-men of the several Towns in this State, or the major Part of them; or the major Part of the Select-men in such several Towns, with the Advice of any one Assistant or Justice of the Peace, shall have full Power and Authority, and they are hereby authorized and empowered to make all necessary Rules, Orders and regulations (whenever they shall judge the Inhabitants of the State, their Persons or Properties shall be in Danger) for the confining, restraining, killing or destroying of Dogs belonging to, or found within their respective Towns, as they shall judge reasonable for the effectual Security of such Inhabitants: The same to be published, and a Notification thereof set up in Writing, in three of the most public Places in such Town wherein such Order shall be made, and not less than One in each Society therein.

Penalty on such as do not conform to their order.

And be it further enacted by the Authority aforesaid, That when such Orders or Rules shall be so made and published as aforesaid, all Persons shall accordingly conform thereto, and obey such Rules or Orders, on pain that every Person who shall offend against, or not obey such Rules or Orders, shall forfeit the Sum of forty Shillings, one Half to him who shall prosecute the same to Effect, and the other Half to the Treasurer of the Town where said Offence shall be committed; And that all such Dogs as shall not be confined or restrained within such Rules and Orders, made as aforesaid, may be liable to be killed and destroyed, by any Person or Persons whatever: And if any such Person shall be sued or prosecuted for the same, he may plead not guilty, and give this Act in Evidence, unless such Person commencing and prosecuting any such action as aforesaid, shall prove, to the Satisfaction of such Court, before whom any such Trial may be had, that he had fully complied with such Orders and Rules as aforesaid.

Proviso.

Provided nevertheless, That nothing in this Act shall be understood or construed to restrain or prevent any Person from killing or destroying any Dog found mad, or suspected to be mad; or otherwise shall be found doing Mischief, or attempting to do the same, when alone, out of the Possessions of his Owner, and distant from the Care and Command of any Person having the Charge of such Dog; any Thing in this Act, or any other Act to the contrary notwithstanding.

## An Act concerning the Dowry of Widows.

*THAT there may be suitable Provision made for the Maintenance and comfortable Support of Widows, after the decease of their Husbands;*

Widows to have a third of the real estate of their husbands.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That every married Woman, living with her Husband in this State, or absent elsewhere from him with his Consent, or through his meer Default, or by inevitable Providence; or in case of Divorce where she is the innocent Party, that shall not before Marriage be estated by way of Jointure in some Houses, Lands, Tenements or Hereditaments for Term of Life; or with some other Estate in lieu thereof, shall immediately upon, and after the Death of her Husband, have Right, Title and Interest by way of Dower, in and unto one third Part of the real Estate of her said deceased Husband, in Houses and Lands which he stood possessed of in his own Right, at

Drunkenness. Duelling.

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the Time of his Decease, to be to her during her natural Life: The remainder of the Estate shall be disposed of according to the Will of the Deceased; and where there is no Will according to Law.

*And for the more easy, and speedy ascertaining such rights of Dower.*

*It is further enacted by the Authority aforesaid, That upon the Death of any Man possessed of any real Estate, as aforesaid, which his Widow by this Act, as above expressed hath a Right of Dower in, if the Person, or Persons that by Law have a Right to inherit said Estate, do not within sixty Days next after the Death of such Husband, by three sufficient Freeholders of the same County; to be appointed by the Judge of Probate (in whose District the Estate doth lie) and Sworn for that purpose, set out, and ascertain such Right of Dower, that then such Widow may make her complaint to the Judge of Probate in whose District the Estate lyeth: Which Judge shall Decree, and Order that such Woman's Dowry shall be set out, and ascertained by three sufficient Freeholders of the County; who shall be sworn faithfully to proceed, and act therein according to their best Skill: And the said Dowry being set out, and ascertained in either of the Methods aforesaid, the Doings of such Freeholders shall be returned to the Judge who ordered the Dower to be set out, as aforesaid; and upon Approbation thereof by the said Judge, such Dower shall remain fixed, and certain: And all Persons concerned therein shall be concluded thereby.*

Widows part to be set out in 60 days after they become widows

*And every Widow so endowed, as aforesaid, shall maintain all such Houses, Buildings, Fences, and Inclosures as shall be assigned, and set out to her for her Dowry; and shall leave the same in good, and sufficient Repair.*

to keep estate in repair.

*And if such Widow shall not maintain, and keep in Repair such Houses, Buildings, Fences, and Inclosures assigned her, as aforesaid, it shall be in the Power of the County Court of the County in which the Estate is, upon Application to them made, to deliver so much of the said Houses and Lands to the next Heir of the same, and for so long a Term as in their Judgment shall be sufficient, out of the Rents or Profits thereof, to repair such Defects; unless such Widow will give good Security for the leaving such Houses, Buildings, Fences and Inclosures in sufficient Repair.*

County court may to take away the dower unless, &c.

An Act for the punishment of Drunkenness.

*BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That if any Person shall be found drunken, so that he be thereby bereaved, and disabled in the use of his Reason and Understanding, appearing either in his Speech, Gesture or Behaviour; and be thereof convicted, he shall forfeit as a Fine, the Sum of eight Shillings, to the Treasury of the Town where the Offence is committed, for the use of the Poor therein: And for want of Goods whereon to make Distress, the Offender or Offenders shall be set in the Stocks, there to remain not exceeding three Hours, nor less than one Hour.*

Penalty for persons found drunk.

An Act to prevent the Practice of Duelling.

*BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That if any Person within this State, shall challenge the Person of another, or shall accept any such Challenge to fight at Sword, Pistol, Rapier or other dangerous Wea-*

Penalty for challenging, or accepting a challenge to fight a duel.

pon, such Person so challenging or accepting, shall forfeit and pay into the Treasury of this State, for every such Offence, (being thereof convicted before the Superior Court, by the Testimony of one or more credible Witnesses, Confession of the Party offending, or other sufficient Evidence) the Sum of *One Thousand Pounds*, and shall also find sufficient Sureties to the acceptance of such Court, for his Good-behaviour during Life; and such Person shall also be disabled ever after, from holding any Office of Profit or Honor under this State; and if such Convict shall be unable or neglect to pay the said Forfeiture, he or they shall be closely imprisoned for the Term of one full Year.

Penalty for carrying a message, &c.

*Be it further Enacted*, That if any Person or Persons shall willingly or knowingly carry or deliver any written Challenge, or verbally deliver any Message, meant as, or purporting a Challenge, or shall be present at the fighting any Duel as aforesaid, as a Second, or Aid, or give Countenance thereto; he or they being convicted as aforesaid, shall suffer the same Forfeitures, Pains, Penalties and Disabilities as aforesaid; saving only finding Sureties for Good-behaviour during Life, as before provided.

### An Act for regulating the Election of the Governor, Lieutenant-Governor, Assistants, &c.

Constables to warn the freemen to meet yearly, &c.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That all Constables in the several Towns in this State, without further order, shall warn all the Freemen in their respective Towns, to meet together yearly; *That is to say*:

In the Counties of *Hartford, New-Haven, Fairfield, and Litchfield*, on the third *Tuesday* of *September*.

When and where to choose representatives, and twenty to stand in nomination.

And in the Counties of *New-London, and Windham*, on the second *Tuesday* of *September*, about nine of the Clock in the Morning, at some convenient Place where they have usually been held, when and where they shall first choose Deputies or Representatives to attend the General Court in *October* then next ensuing: And then every Freeman in each Town there present, shall give in his Vote or Suffrage for twenty Persons (their Names being fairly written on a Piece of Paper) whom he judgeth qualified to stand in Nomination for Election in the Month of *May* next following: Which Votes or Suffrages shall be delivered to an Assistant or Justice of the Peace, (if any be present) otherwise, to such Constable as shall inhabit in the Town where such Votes are given in; which Assistant, Justice, or Constable, shall make Entry of the Names of all such Persons as the Freemen do vote for; with the Number of Votes that each Person hath: A Copy whereof the said Assistant, Justice, or Constable in each Town shall send sealed up, to the General Assembly in *October* next following, by the Deputy or Representatives of such Town.

Votes compared at the assembly.

At which Assembly all the Votes of the Freemen of this State shall be compared, and those twenty Persons who shall have the greatest Number of Votes, shall be the Persons whose Names shall be returned to the several Towns to be the Persons nominated to stand for Election in *May* next following: Out of which Number the twelve Assistants shall be chosen. But the Freemen shall have Liberty to choose the Governor and Lieutenant-Governor, where they see Cause, of all or any Freemen within this State.

Penalty on constables for neglect.

And all and every Constable shall attend this Order annually, on Penalty of forfeiting the Sum of *four Pounds*, to the public Treasury of the State, for every Neglect thereof.

*And be it further enacted by the Authority aforesaid*, that the election of

Governor, Lieutenant-Governor, Assistants, and such other public Officers as shall be appointed to be chosen, shall by Proxy of the Freemen be attended and consummated in the General Assembly to be holden at *Hartford*, upon the second Thursday of May, annually.

And that the election by Proxies may be so regulated, and managed, as to prevent the using any Fraud or Deceit therein :

It is further Enacted, That the Secretary of the State, for the Time being, shall with the Acts and Orders of the General Court in *October*, yearly, send a Copy of the Names of all those Persons who are nominated as aforesaid, to stand for Election as aforesaid, to the Printer, in order that the said Persons Names may, with the said Acts, be distributed to the several Towns in this State.

And the several Constables in the respective Towns throughout this State, without further Order, of the Penalty aforesaid, shall by themselves, or some deputed by them, warn all the Freemen in their respective Towns, to convene at the Place where such Meetings are usually held, on the Moaday next following the first Tuesday in *April*, annually, at nine of the Clock in the Morning ; when and where they shall first choose Deputies to attend the General Court in *May* next following ; where also shall be read to them the Freeman's Oath ; the three last Paragraphs of this Act, and the Names of those Persons nominated to stand for Election : And then the Freemen shall proceed to bring in to the Civil Authority, (or if none be present) to the Constable or Constables present, the Name of him whom they would have for Governor for the Year ensuing, fairly written upon a piece of Paper ; which the said Authority, or Constable or Constables shall receive, and in the presence of the Freemen seal up the same in a piece of Paper, and write on the out-side of the Paper so sealed, the Name of the Town ; and then add these Words, viz. *Votes for the Governor*. In like Manner they shall proceed in bringing in, sealing up, and writing upon their Votes for the Lieutenant-Governor, Treasurer and Secretary. But before the Treasurer and Secretary are voted for, the Freemen shall bring in their Votes for those nominated to stand for Election ; beginning with him that stands first in the Nomination, and bring in their Votes for him ; which by the said Authority, or Constable or Constables, shall be received, sealed up, and written upon, as aforesaid ; inserting the Name of the Person voted for ; and so shall they proceed till they have passed through the whole Nomination. But no one Freeman to vote for more than twelve of the Number in Nomination to be Assistants.

And the Votes for election of Assistants shall be a written piece of Paper, (and no unwritten piece of Paper shall be given in) : And the Civil Authority or Constables who receive the Votes and seal them up as aforesaid, shall by themselves, or one of the Deputies of the Court, convey the said Proxies to *Hartford*, and deliver them at the Election, as they shall be ordered, to those Persons who are appointed to receive, sort and count the said Votes.

And at the Time of the Election (the Governor and Lieutenant-Governor being first chosen and declared) those standing in Nomination shall be put to Election in the same Order as they are propounded ; after which those twelve Persons who shall have the greatest Number of Votes, shall be the Assistants of this State for the Year then ensuing ; and shall be so declared accordingly. And also Declaration shall be made of the choice of the Treasurer and Secretary.

And if any Person that is not a Freeman of this State, admitted and sworn according to Law, shall presume to vote or give in his Proxy in the Election of any of the Members of the General Assembly ; or if any Freeman shall put in above one Vote or Proxy for one Person at the same Election to one Office, he shall pay a fine of *five Pounds*, to the public Treasury of this State.

Election to be consummated at the assembly in May.

Secretary to send the nomination to the printer, &c.

Constables duty to warn the freemen to meet on Monday next after the first Tuesday in April annually, to choose representatives for May sessions.

Mode of voting for governor, &c.

Treasurer.

Secretary.

Assistants.

Gov. and Lt. Governor to be first chosen and declared, and then the assistants.

Penalty on such as vote who are not qualified, &c.

*And whereas undue Influence, Bribery, and Corruption, in Election, are of pernicious Tendency in a State :*

Penalty on  
such as unduly influence others  
in their votes

*Be it further enacted by the Authority aforesaid, That if any Person shall endeavour unduly to persuade or influence any other Person or Persons, in giving their Vote or Suffrage for any Member of the Legislature, by offering to any Person or Persons any written Vote or Votes for that Purpose, without being first thereto requested, such Person so offending, shall pay a Fine of sixty Shillings, for the Use of the Town Treasury.*

and on such  
as accept a  
fee for giving  
or refusing  
to give  
any vote.

*And be it further Enacted, That no Person or Persons shall offer, accept, or receive any Sum or Sums of Money, or other Matter or Thing, by way of Gift, Fee or Reward, for giving or refusing to give any Vote or Suffrage for electing any Member of the General Assembly of this State, nor promise, procure, or any ways confer any Gratiuity, Reward, or Preferment for, or on account of, any Vote or Suffrage given, or to be given in any Election : And every Person to giving, offering, accepting or receiving as aforesaid, shall in every such Case, forfeit and pay the Sum of five Pounds ; one Half to him or them that shall sue for and prosecute the same to Effect, and the other Half to the Treasury of the Town, where the Offence is committed. And any Person who shall be convicted a second Time of the like Offence, shall be disfranchised.*

Members  
unduly elected,  
incapable to serve.

*And that every Person who shall be elected by Means of such evil and illegal Practice as aforesaid, shall be and hereby is declared to be incapable to serve as a Member in such Assembly ; unless such Person shall be able to satisfy said Assembly, that the same was done altogether without his Privy, and that he was not directly or indirectly concerned therein.*

Who to  
make pre-  
sentment.

*And be it further enacted by the Authority aforesaid, That it shall be the Duty of every Constable and Grand-jury-man, to enquire after, and make Presentment of all Breaches of this Act.*

An Act to enable the Governor to lay an Embargo, and for rendering the same when laid effectual.

Preamble.

*WHEREAS the Exportation of Necessaries, and other Articles that may be wanted in Times of Scarcity, and Times of War, may reduce the Inhabitants of this State to great Straits, and prove very prejudicial to the public Interest.*

*Which to prevent ;*

The govern-  
or empower-  
ed to lay  
embargoes.

*BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Governor of this State, for the Time being, by and with the Advice of the Council, is hereby fully empowered, and desired from Time to Time, as there shall be Occasion, to issue out and send forth his Proclamation, thereby to prohibit and forbid the Transportation, or carrying out of this State, either by Land or Water, any Article or Thing that the Governor, and his Council shall think necessary and expedient to prohibit for the Time set and limited, in, and by such Proclamation : Provided always, that such Embargo shall not extend to hinder any necessary Provisions from being put on Board any Ships of War, or Privateers, or Merchant Ships, or Vessels belonging to this State ; or to any of the Inhabitants thereof, or to the United States, for their necessary Stores, Bills of which Storer always to be allowed by some Assistant for Justice of the Peace, in which Allowance, regard is to be had to the Number of Men, and Length of the Voyage intended, nor shall the same continue in Force after the expiration of twenty Days next after the beginning of the next General Assembly that shall happen after the Date of such Proclamation.*

Proviso.

And that all Embargoes, when laid by the Governor and Council as aforesaid, or by the General Assembly, may be rendered effectual:

*Be it enacted by the Authority aforesaid,* That upon the publishing of a Proclamation for an Embargo regularly laid, every Person, whatsoever, and all Masters of Ships and other Vessels, lying within this State, shall forthwith land or stop, all and every embargoed Article or Thing; as they then have on board such Ships or Vessels, or loaded in or upon any Cart, Carriage, Wagon, Pack-horse or otherwise, for Transportation, or that may be driving on the Foot, contrary to such Proclamation, or give a true Invoice and Account thereof to some Naval Officer, Assistant or Justice of the Peace, and also become bound with two sufficient Sureties to the Treasurer of this State, in the penal Sum of five Times the Value of such embargoed Articles or Things, which they are about transporting and carrying out aforesaid, with a Condition to said Bond importing, that if said embargoed Articles or Things shall be landed, or sold in some Place in this State, for the Use of the Inhabitants thereof, then the said Bond to be void, but on failure thereof to be and remain in full Force.

And if any Person or Persons, shall refuse and neglect to conform himself to this Act, it shall be lawful for any Assistant or Justice of the Peace, and they are hereby ordered in such Case, *ex Officio*, or on Complaint or Information, to issue forth a Warrant to a proper Officer, to seize and secure such embargoed Articles or Things, until such Person or Persons shall conform to this Act, and also pay all Costs occasioned by said Refusal or Neglect; said Costs to be taxed and allowed by such Assistant or Justice.

*And be it further enacted,* That if any Person or Persons shall transgress this Act, by carrying or driving out of this State any embargoed Article or Thing, contrary to said Proclamation, he or they shall forfeit double the Value thereof, to be recovered by Bill, Plaint, or Information in any Court proper to try the same; one Half to him or them who shall prosecute the same to Effect (if prosecuted by a common Informer) and the other Half to the public Treasury of this State; but if prosecuted by any public Informing Officer, then the whole of said Forfeiture to belong to said public Treasury. And all Informing Officers are hereby directed to prosecute all Breaches of this Act.

## An Act to prevent Encroachments on High-Ways, and on common and undivided Lands.

*Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same,* That if any Person hath within the Space of fifteen Years, taken, or shall take any part of any High-Way, or common or undivided Land, into his Field or Inclosure; or erect any Fence thereon, in such Manner that the said High-Way is straitened, and made narrower than before; or any part of the common or undivided Land is encroached upon, the Select-men of the Town wherein the Offence is committed, or a Committee appointed by such Town for that Purpose, or a Committee appointed for that End by the Proprietors of the common or undivided Land encroached upon, (which Committees such Town and Proprietors are enabled to appoint) or any Three of such Proprietors are hereby directed and empowered to give Notice or Warning to the Person or Persons so offending, to remove or cause to be removed, such Fence or Encroachment within such convenient Time as the said Select-men, Committee, or Proprietors shall appoint, not exceeding one Month after such Notice.

And if the Person or Persons warned as aforesaid, do not cause such

Fence or Encroachment to be removed within the Time so limited, it shall be lawful for the said Select-men, Committee, or the said three Proprietors, to remove the same.

Charge of removal by whom paid.

And the Person who made such Encroachment, shall pay to such Select-men, Committee or Proprietors, the Charge of such Warning and throwing down and removing such Encroachment; to be recovered by Action before any Court proper to try the same.

Penalty of 40s. for second offence.

And if the Person offending as aforesaid, shall commit the like Offence, by taking in the same, or a greater or lesser Quantity of any High-way, common or undivided Land, where his Fence has been removed as aforesaid, he shall incur the Penalty of *forty Shillings*, for every such Offence, as often as he shall commit the same; to be recovered by Bill, Plaint, Action or Information by the Person who gave the Warning, and caused the said Fence or Encroachment to be removed; one Half of the Penalty to be to the Prosecutors, with cost of Prosecution, and the other Half to the County Treasury of the County in which the Offence is committed. In which Trials no Appeal shall be allowed.

Burden of proof on the delinquent.

And that every Person prosecuted for said Offence, shall be deemed guilty thereof, unless he can satisfy the Court that hath cognizance thereof, that he did it not himself; nor by his Order or Consent, cause or procure said Offence to be committed. And it shall be lawful for such Select-men, Committee, or Proprietors, without further Notice, to remove such Encroachment as often as it shall be set up, after it hath been once removed as aforesaid.

This Act may be given in evidence, in the general issue.

And be it further enacted by the Authority aforesaid, That if those, or any of those Persons that shall pull down and remove such Fence or Encroachment as aforesaid, shall be sued in Trespass for so doing, by any Person or Persons whose Fence shall be so pulled down or removed, such Select-men, Committee or Proprietors, who shall pull down and remove the said Fence, or cause the same to be done, may plead not guilty, and give this Act in Evidence on the Trial; and if the Plaintiff or Plaintiffs in such Action shall not prove that the Fence removed, when standing was well on the bounds of his or their Lands, or their Lands for whom the Plaintiff or Plaintiffs hold the same, and so was not any Encroachment, as aforesaid, Verdict shall be given in favour of the Defendants. In which Case, as in Case also of a Nonsuit, Judgment shall be rendered for double Costs in favour of the Defendants.

Double costs.

### An Act for regulating proceedings in Equity.

Courts of equity how to proceed.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the several Courts in this State having Jurisdiction of Suits brought for relief in Equity, shall proceed therein according to the Rules of Equity, and the usage of the General Assembly in such Cases; and shall take Cognizance, as Courts of Equity, of such Matters only, wherein adequate Remedy cannot be had in the ordinary course of Law; and shall keep Records of their Proceedings, and have Power to enforce their Decrees by granting Execution thereon against the Estate or Person, or in any other Manner proper for a Court of Equity; and no Appeal shall be allowed from any Sentence or Decree of any Court given in any Suit for relief in Equity, except where special Provision is made by Law for that Purpose.

No appeal except, &c.

When a minor is interested, &c.

And be it further enacted by the Authority aforesaid, That when any Minor under the Age of twenty-one Years, shall be interested in any mortgaged, or other Real Estate, which in Equity ought to be conveyed to any other

Person or Persons, and such Conveyance is decreed and ordered by the Court having Cognizance of the same, the Guardian of such Minor is hereby authorized and empowered to make and execute such Conveyance in behalf of such Minor; which Conveyance, so made, shall be good and effectual in Law.

Guardian authorized, &c.

And the said Court shall have Power to enjoin such Guardian to make the same, under a suitable Penalty.

And if such Minor have no Guardian, at the Time of bringing such Suit, the said Court is hereby authorized to appoint one; and the Guardian so appointed, shall have Power to do every Thing in behalf of such Minor, proper for his Defence in such Suit, and for carrying the Decree of the Court therein, into Effect.

Court authorized to appoint a guardian.

An Act ascertaining the Value of Continental Bills of Credit, and of Contracts made therefor, and directing the Courts to determine according to Equity, all Suits brought thereon,

**B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That all Contracts made on or before the first Day of September, 1777, for lawful Money, or for Bills of Credit of this State, or Continental Bills of Credit, shall be deemed equal to the same nominal Sum in Gold or Silver.

Contracts made before 1st September, 1777, for lawful money, &c.

That all Contracts made between the first Day of September, 1777, and the 18th Day of March, 1780, understood or expressed to be for the common Currency of the United States, or of this State, shall be rated in Spanish milled Dollars, or other Coins equivalent, agreeable to the following Table, which shews the Value of one hundred Spanish milled Dollars in Continental Bills of Credit, at the several Times therein expressed, which is agreeable to the Scale adopted by Congress.

and between 1st September, 1777, & 18th March 1780, how rated.

1777.	Dollars,	1778,	Dollars	1779,	Dollars,
September 1st,	100	August 1st,	348	July 1st,	1486
15th,	104	15th,	370	15th,	1548
October 1st,	109	September 1st,	400	August 1st,	1631
15th,	115	15th,	429	15th,	1709
November 1st,	121	October 1st,	464	September 1st,	1800
15th,	127	15th,	500	15th,	1908
December 1st,	133	November 1st,	545	October 1st,	2034 Table,
15th,	139	15th,	584	15th,	2151
1778,		December 1st,	634	November 1st,	2340
January 1st,	146	15th,	679	15th,	2413
15th,	152	1779,		December 1st,	2597
February 1st,	160	January 1st,	742	15th,	2741
15th,	167	15th,	796	1780,	
March 1st,	175	February 1st,	868	January 1st,	2932
15th,	186	15th,	938	15th,	3115
April 1st,	201	March 1st,	1000	February 1st,	3333
15th,	214	15th,	1048	15th,	3533
May 1st,	230	April 1st,	1104	March 1st,	3734
15th,	245	15th,	1156	15th,	4000
June 1st,	265	May 1st,	1219		
15th,	281	15th,	1273		
July 1st,	303	June 1st,	1344		
15th,	318	15th,	1404		

Contracts made on or before March 18th, 1780, how discharged.

And be it further enacted by the Authority aforesaid, That all Contracts made on or before the 18th Day of March, 1780, may be discharged by paying the just Value of the Currency contracted for, as ascertained by this Act, in Gold or Silver, or in Bills of Credit of the United States at discharge.

the current Exchange at the Time of Payment. And that the aforesaid Scale be the Rule in all Courts of Law, and in the Committee of Pay-Table, for settling the Rate of the Depreciation, in all Contracts as aforesaid.

Preamble.

And whereas the Bills of Credit of these United States, emitted by Order of Congress, have greatly depreciated in their Value, occasioned by some unforeseen Events taking Place. And whereas sundry Debtors have endeavoured to discharge their just Debts by tendering a Sum in the Bills aforesaid in their depreciated State, of less Value than the value of the Sum in which they became indebted, which has been refused by the Creditor; by reason whereof great Disputes have arisen, and the one Party or the other liable to suffer Injustice by a strict construction of the Law of this State relative thereto.

Therefore, pursuant to a Resolve of these United States, passed in Congress on the twentieth of March, 1780:

Be it further enacted by the Authority aforesaid, That in all Actions brought before any of the Superior or County Courts in this State (either by original Writ, Appeal, or Writ of Error) for the recovery of any Debt due, by Bond, Note, or Book Account, contracted before or on the seventh Day of January, 1780, and where the Defendant in such Action has, between the first Day of September, 1777, and the 18th Day of March, 1780, made a tender of a Sum in Continental Bills of Credit, to the Creditor or Creditors in satisfaction of the Debt demanded, and the Creditor refused the same; then and in every such Case, the Court before whom such Action may be brought, are hereby authorized to direct such Cause to be heard and determined by reference thereof to indifferent Persons, to be mutually chosen by the contending Parties; and in case they or their Attornies shall neglect or refuse to agree upon such Referees, the said Court are authorized to determine such Cause according to the Rules of Equity, taking all Circumstances into Consideration: Which said Referees so chosen as aforesaid, shall hear and determine such Cause, as to them shall appear just and equitable, taking into Consideration all the Circumstances thereof, and make Return to the same Court where said Cause shall be depending; who, unless sufficient Objections be offered against such Return, shall accept the same, and render Judgment thereon accordingly.

Actions brought for recovery of debts contracted on or before Jan. 7th, 1780, where tender has been made, to be determined by the rules of equity.

An Act for regulating Trials on Writs of Error, and for limiting the Time for bringing the same.

Sup. court to take cognizance of errors, in the lower courts

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Superior Court shall have Jurisdiction of all Writs of Error, brought for reversal of any Judgment of the County Court, or any Inferior Court, or of an Assistant or Justice of the Peace, in civil or criminal Causes.

The defendant in error, to recover cost, in case judgment is affirm'd, otherwise no cost on either side.

And when on any Writ of Error that shall be brought before the Superior Court, the Defendant in such Writ of Error shall recover Judgment, that the Judgment complained of is not erroneous, he shall recover Cost against the Plaintiff; but if upon such Trial it shall be determined, that the Judgment complained of is erroneous, Judgment shall be given for the reversal of such erroneous Judgment, and the Plaintiff shall recover all that he hath been damnified thereby, but no Cost in that Case shall be taxed for either Party.

Plaintiff in the original action to counter, &c. on reversal, &c.

That when any Judgment in a civil Action shall be reversed as aforesaid, the Plaintiff in the original Action on which such erroneous Judgment was given, may enter his Action in the said Superior Court, paying the same Fees as if he had brought it by Appeal: And the said Court shall

proceed to try said Action as if it had or could have been brought there by Appeal. And the whole Cost in said Action (excepting the Cost on the Writ of Error) shall be allowed and taxed in favour of him who shall recover final Judgment.

That no Writ of Error shall be brought for the reversal of any Judgment, after the Expiration of three Years from the Time of giving such Judgment. No writ of error lies after 3 years.

That where manifest and material Error shall appear of Record in any Judgment or Decree given in a Suit for Relief in Equity, the Party aggrieved may be relieved by Writ of Error in the same Manner as in Proceedings at Law. Error lies in equity as at law, &c.

An Act relating to Escheats and other Estates, belonging to, and recovered for the Use of the Public Treasury of this State.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That where no Heir or Owner of Houses, Lands, Tenements, Goods or Chattels can be found, such Houses, Lands, Tenements, Goods and Chattels shall belong to this State, and be secured to the public Treasury thereof. Where no owner or heir appears estate belongs to this state.

And the Judges of the respective Courts of Probate in this State, shall make due enquiry after, and take proper care of all Estates within their respective Districts that have happened or shall hereafter happen to escheat as aforesaid, and secure the same in the Hands of some Administrator, by them for that Purpose to be appointed; notice of which Escheats and Proceedings thereon, the Judge shall give to the Treasurer of this State for the Time being: And the said Treasurer shall be, and he is hereby impowered and required to demand and receive of such Administrator, all such Escheats, and him thereof fully to discharge. Judge of probate to take care, &c. to notify the treasurer.

And the said Treasurer is further impowered and required, to make Sale, either by public Vendue, or by Appraisement made by three judicious Freeholders under Oath, or private Sale, as he shall judge may conduce most to the Benefit of this State, of all Escheats, as also of all Lands that are or shall be recovered of any Person or Persons whatsoever, by Judgment, Execution, Distraint or any other Way, for Fines, Forfeitures or Rates, to the public Treasury, where other Provision is not, or shall not be particularly made in such Cases. And the said Sale to make, and confirm by Deed or Deeds in the Name and Behalf, and for the Use and best Advantage of this State: Which Sales so made, shall be good and valid in Law. Treasurer to make sale.

And the said Treasurer for the Time being, shall from Year to Year, render his Account to the General Assembly, at their Sessions in *October*, of his Proceedings by virtue of this Act; and shall be allowed a reasonable Remcompence out of the Gains so made, for his Charge and Trouble therein. and accounts &c.

*Provided nevertheless*, That if any Heir or Owner of such Houses, Lands, Tenements, Goods or Chattels, shall appear and make out a just Title thereunto; *Provided*, the same, or reasonable Satisfaction therefor, shall upon just and reasonable Terms be restored, or given to such Heir or Owner.

An Act for the Settlement of testate and intestate Estates.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Executor or

Inventories  
by whom to  
be taken,

Executors named by the Testator of any last Will and Testament, or such other Person or Persons to whom the administration of the Estate of Persons deceased, shall be committed, calling or taking to him or them two or more judicious disinterested Freeholders, Neighbours and Friends to the deceased; and in their Presence, and by their Discretion, (being under Oath) shall make or cause to be made, a true and perfect Inventory of all the Estate of the Person deceased, as well moveable as not moveable, whatever; and the same shall cause to be indented: Whereof the one Part, by the said Executor or Executors, Administrator or Administrators, upon his or their Oath or Oaths, to be taken before the Court which hath Power to take Probate of Wills and Testaments, granting Administration and the like, shall be by him or them delivered to the said Court of Probates; and the other Part to be and remain with the said Executor or Executors, Administrator or Administrators.

Penalty  
of 5l. per  
month, on  
executors  
who neglect  
exhibiting  
of the wills,  
&c. to be  
proved after  
30 days are  
expired.

That if any Executor or Executors of the last Will of any Person deceased, knowing of his or their being so named and appointed, shall not within thirty Days next after the decease of the Testator, cause such Will to be proved and recorded in the Register's Office of that District where the deceased Person last dwelt, or present the said Will, and declare his or their refusal of the Executorship; every Executor so neglecting his or her Trust and Duty in that behalf (without just Excuse made and accepted by the Judge of Probate for such delay) shall forfeit the Sum of five Pounds per Month, from and after the Expiration of the said thirty Days, until he or they shall cause Probate of such Will to be made, or present the same as aforesaid.

Persons re-  
fusing to  
stand execu-  
tors, the  
court of pro-  
bate to ap-  
point admi-  
nistrators.

And upon such Refusal of the Executor or Executors, or on his or their Refusal to give Bond with sufficient Surety for a faithful Discharge of his or their Trust, the Court of Probate shall commit Administration of the Estate of the deceased, with the Will annexed, unto the Widow or next of Kin to the deceased; and upon their Refusal or Incapacity, to one or more of the principal Creditors, as the Court shall think fit.

Penalty of  
5l. per  
month, for  
not causing  
an inventory  
to be taken,  
&c.

And if the Executor or Executors of any last Will and Testament, brought for Probate in any of the Courts of Probate in this State, shall not within the space of two Months next after the Probate of such last Will and Testament, cause such Inventory to be made, as aforesaid, and the same to be exhibited in the Register's Office of the same Court of Probate where the said Will was accepted and recorded, every Executor so neglecting his or her Trust in that behalf (without just Excuse made to the Judge of the said Court and accepted for such Delay) shall forfeit the Sum of five Pounds per Month, from and after the said two Months are expired, until he or they shall inventory said Estate, and exhibit said Inventory as aforesaid.

Forfeitures  
how re-  
covered & im-  
proved.

Every such Forfeiture, as well for not causing the Will to be proved, &c. as for not exhibiting an Inventory, as aforesaid, shall be and belong, one Moiety thereof to the Town Treasury of that Town where the Deceased last dwelt, for the use of said Town, and the other Moiety to him or them who shall inform, or sue for the same, and prosecute to full Effect: To be recovered by Action or Information in the County where the Testator last dwelt.

Executors  
embezzling  
any of  
said goods  
to be sued,  
&c.

And if any Person or Persons shall alienate or embezzel any of the Goods or Chattels of any Person deceased, before he or they have taken out Administration; and exhibited a true Inventory of all the known Estate of the Deceased; all and every such Person so acting, shall stand chargeable and be liable to the Actions of the Creditors, and other Persons grieved, as being Executors in their own wrong.

And the Court of Probate shall cause a Citation to be made out to the

Widow or next of Kin, capable to execute said Trust, and upon their Neglect of Appearance, or Refusal, may commit Administration of such Estate to some one or more of the chief Creditors, if accepted by him or them; or others, as the said Court shall think fit, upon their Refusal.

Court of probate to cite the widow or next of kin, &c.

*And for preventing Frauds concealing any Part of the Estate of any Person deceased.*

*Be it enacted by the Authority aforesaid, That if any Person or Persons in this State, shall have in his or their Custody or Possession, any Goods or Chattels belonging to the Estate of any deceased Person, or any Bills, Bonds, Accounts, or such other Things as may tend to disclose such Estate, and upon Demand of the same, made by the Executor or Administrator of such Estate, shall refuse to make Delivery, or to give a satisfying Account thereof to the said Executor or Administrator, it shall be in the Power of the next Assistant or Justice of the Peace, upon Complaint thereof made to him by the said Executor or Administrator, to issue a Warrant to some fit Person, to apprehend such Offender, and to bring him or her before such Assistant or Justice of the Peace; who may bind such Person, with sufficient Sureties to appear before the next Court of Probate: And the said Court shall be, and is hereby empowered to examine such Offender or Offenders, under his or their Oaths, upon such Interrogatories touching such Goods, Chattels, Bills, Bonds, Accounts, and other Things tending to disclose the Estate as aforesaid, as the said Court shall think meet. And that if the said Offender or Offenders shall refuse to be examined upon Oath, or to answer fully to every Interrogatory to such Person or Persons to be administered, or put by said Court of Probate, it shall be lawful for the said Court to commit every such Offender to the common Gaol, there to remain until such Person shall better conform.*

Such as conceal the estate of any deceased person, as he examined upon oath.

To be examined upon refusal to swear.

*And be it further enacted by the Authority aforesaid, That if any of the Creditors or Legatees of the Deceased: are grieved by the Appraisement of the Estate made by the Administrator, or Persons by him appointed, they may have Relief by Application to the Court of Probate that granted Administration; which Court is hereby empowered and required, to appoint three good and lawful Men of the Neighbourhood, and to swear them to make a new Appraisement of such Estate, at the true Value and Worth thereof, in common Estimation, according to the best of their Skill. And the Administrator shall be accountable for such Estate, according to the said Appraisement thereof. And if he make Payment of Debts or Legacies therewith, or with any Part thereof, the Creditors or Legatees shall have such Estate at the Value rated by such Appraisers.*

Creditors, or legatees aggrieved by the Appraisement of the estate, to have a new appraisement

*Provided, said Application be made to such Court within six Months after the Inventory of such Estate be exhibited into the Registry of the said Court; Provided and not after.*

*Be it further enacted by the Authority aforesaid, That when any Person dies intestate, Administration of such Intestate's Estate shall be granted to the Widow, or next of Kin to the Intestate, or both, or on their Refusal or Incapacity, to some other Person, as the Court of Probate shall judge fit; And on granting Administration upon the Estates of Intestates, or others whomsoever, the Court of Probate granting such Administration, shall take sufficient Bond with Sureties, of such Person or Persons, to whom Administration is granted as aforesaid, for a faithful Discharge of the Work; which Bond shall be conditioned according to the Form hereafter in this Act directed: And such Bond shall in like Manner be required and taken of the Executor or Executors of any last Will and Testament, before they enter on the Business, and of any Executors where the Estate remains unsettled.*

Administration of the estates of intestates, to whom to be granted.

Court of Probate to call executors, &c. to account.

Distribution to be made as follows:

One third to the widow, residue equally among the children, except to the eldest son, &c. a double portion.

Division to be by freeholders under oath, &c. unless, &c.

Proviso.

If child die, &c. his portion to be to the surviving children.

If no children, how the real estate shall descend, &c.

And the Court of Probate may, and shall proceed to call such Administrator or Administrators, Executor or Executors to account for, and touching the Estate of such deceased Person, whether Intestate or other.

And be it further enacted by the Authority aforesaid, That the Courts of Probate shall, and are hereby fully empowered to order, and make a just Division or Distribution of all the Estate, both real and personal, of any such Intestate, that shall remain after deducting all Debts and Charges, whatsoever, payable out of the same, in Manner following, *That is to say*;

One third Part of the personal Estate to the Wife of the Intestate (if any be) forever; besides her Dower, or Thirds in the Houses and Lands during Life, where such Wife shall not be otherwise endowed before Marriage: And all the Residue and Remainder of the real and personal Estate, by equal Portions to and among the Children, and such as shall legally represent them, (if any of them be dead) other than such Children who shall have any Estate by Settlement of the Intestate in his Life Time, equal to the other Shares: Children advanced by Settlement or Portions not equal to others Shares, to have so much of the Surplusage as shall make the Estates of all to be equal; except the eldest Son then surviving, where there is no Issue of the first Born, or of any other elder Son; who shall have two Shares or a double Portion of the whole; and the same shall be so divided as that the male Heirs shall have their Parts in the real Estate, so far as the Estate will allow: And where there are no Sons, the Daughters shall inherit as Co-parceners:

And the Division of the Estate shall be made by three sufficient Freeholders, upon Oath, or any two of them, to be appointed by the said Court of Probate: Unless all the Parties interested in any Estate, being legally capable to act, shall mutually agree upon a Division among themselves, and present the same in Writing under their Hands and Seals; in which Case such Agreement shall be accepted, and allowed for a Settlement of such Estate; and be accounted good and valid in Law, being acknowledged by the Parties subscribing, before such Court of Probate, or before an Assistant or Justice of the Peace, and put upon Record, in the Records of said Court:

*Provided nevertheless*, That where any Estate in Houses and Lands, which cannot be divided among the Children without great Prejudice to, or spoiling of the whole; being so represented, and made to appear unto the Court of Probate; the said Court may order the whole to the eldest Son, if he accept of it; or to any other of the Sons successively (upon his Refusal) he to whom it shall be ordered, paying unto the other Children of the Deceased their equal and proportionable Parts or Shares of the true Value of such Houses and Lands, upon a just Appraisement thereof, to be made by three sufficient Freeholders upon Oath; to be appointed and sworn, as aforesaid; or giving good Security to pay the same in some convenient Time, as the said Court of Probate shall limit; making reasonable Allowances in the Interim, not exceeding *six per Centum per Annum*.

And if any of the Children die before he or she come of Age, and before Marriage, or before any legal Disposition thereof and before Marriage, the Portion of such Child deceased, shall be equally divided among the surviving Children, and their legal Representatives.

And in case there be no Children, nor any legal Representatives of them, then one Moiety of the personal Estate shall be allotted to the Wife of the Intestate forever; and one third of the real Estate for Term of Life: The Residue of the real Estate received by Descent, Gift or Devise from his or her Parent, Ancestor or other Kindred, shall belong equally to the Brethren and Sisters of the Intestate, and those who legally represent them, of the Blood

of the Person or Ancestor from whom such Estate came or descended; and in case there be no such Brothers or Sisters, nor legal Representatives, as aforesaid, then such real Estate derived as aforesaid, shall be and remain to the next of Kin, to and of the Blood of said Ancestor or Person from whom such real Estate is derived as aforesaid: And the Remainder both of the real and personal Estate, equally to every of the Brethren and Sisters of the Intestate of the whole Blood, and such as legally represent them; or if there be no such Kindred, then to the Parent or Parents of the Intestate; and if there be no Parents, then equally to every of the Brethren and Sisters of the half Blood of the Intestate; but if there be no Parent, Brother or Sister, then equally to every of the next of Kin to the Intestate in equal Degree, and those who legally represent them; Kindred of the whole Blood to take in preference to Kindred of the half Blood in the same Degree: No Representatives to be admitted among Collaterals, after Brothers and Sisters Children. And if there be no Wife, all the Estate shall be divided among the other Kindred in Manner aforesaid.

Where no brothers, &c. real estate to go to the next of kin of the blood of the ancestor from whom it was derived, &c.

And every One to whom any Share or Part shall be allotted, shall give Bond with Sureties, before the said Court of Probate, (if Debts afterwards be made to appear) to refund and pay back to the Administrator, his or her rateable Part thereof, and of the Administrator's Charges.

Heirs to give bond, &c.

And the Widows Thirds or Dower in the real Estate, at the expiration of her Term, shall be also divided, as aforesaid, if the same then remain undivided.

Widows dower divided, &c.

*Always provided, and it is hereby enacted,* That if any Person be aggrieved at any Order, Sentence, or Decree of any Court of Probate; made for the Settlement and Distribution of any Intestate Estate, or at any other Order, Sentence, Decree or Denial that shall at any Time be made, and given by said Court of Probate, referring to the Approbation and Allowance of any Will, grant of Administration, or other Matter, such Person may appeal therefrom to the Superior Court; provided, they give Security, and enter and prosecute such Appeals within the Times limited for that Purpose; as is provided and directed in the Law regulating such Appeals.

Proviso.

*Be it further enacted by the Authority aforesaid,* That every Court of Probate, upon granting Administration upon the Estate of any deceased Person, shall take Bond with sufficient Surety or Sureties, to the Judge of said Court, and his Successors in that Office, with this Condition, viz.

Court to take bond.

**T**HE Condition of this Obligation is such, that if the above bounden A. B. Administrator of all and singular the Goods, Chattels, Credits and Estate of C. D. deceased: Do make, or cause to be made, a true and perfect Inventory of all and singular the Goods, Chattels, Credit and Estate of the said deceased, which have or shall come to the Hands, Possession or Knowledge of the said A. B. or into the Hands or Possession of any other Person or Persons for him; and the same so made do exhibit, or cause to be exhibited into the Registry of the Court of Probate in the District of at or before the Day of next ensuing: And the same Goods, Chattels, Credits and Estate of the said deceased, at the Time of his Death, which at any Time after shall come into the Hands or Possession of the said A. B. or into the Hands or Possession of any other Person or Persons for him, do well and truly administer according to Law. And further, do make or cause to be made, a true and just Account of his said Administration, at or before the Day of and all the rest and residue of the said Goods, Chattels, Credits and Estate which shall be found remaining upon the said Administrator's Account; the same being first examined and allowed by the said Court of Probate, shall deliver and pay unto such Person or Persons respectively, as the said Court of

The form.

Probate, by their Decree or Sentence, pursuant to the true intent and meaning of the Law, shall limit and appoint. And if it shall hereafter appear that any last Will and Testament was made by the said Deceased, and the Executor or Executors therein named, do exhibit the same into the said Court, making Request to have it allowed and approved accordingly; if the said A. B. being thereunto required, do render and deliver the said Letters of Administration, (Approbation of such Testament being first had and made) in the said Court, then this Obligation to be void, and of none Effect; or else to remain in full Force and Virtue.

Executors to give bond, &c.

And Executors shall become bound in the same Form, *mutatis mutandis*.

In what case the judge may order sale of real estate.

And be it further enacted by the Authority aforesaid, That when the Debts and Charges allowed by the Court of Probate in the Settlement of any Intestate Estate, (or of any Testate Estate, where sufficient Provision is not made by the Will of the Testator) shall exceed the personal Estate, it shall be lawful for the Judges of such Courts respectively, to order the Sale of so much of the real Estate as shall be sufficient to pay the same, with the incident Charges of Sale, in such Manner as shall appear to them to be most for the Benefit of such Estates; which Sales shall be good and effectual in Law.

Creditors to be notified to bring in their claims.

And be it further enacted by the Authority aforesaid, That the said Courts be, and they are hereby impowered to direct the Executors or Administrators on said Estate, to give public Notice to the several Creditors thereof, to bring in their Claims against the same, within such Time as the said Courts shall limit and appoint, not exceeding eighteen Months, nor less than six Months, by posting up the same in the Town where the Deceased last dwelt, and also by advertising the same in one or more of the public News-Papers in this State, and any further Notice, in Case such Court shall judge the same necessary. And if any Creditor shall neglect to exhibit his or her Claim within such Time as shall be limited, after public Notice given as aforesaid, such Creditor shall be debarred of his or her Demand, in the same Manner as by Law is provided in case of Insolvent Estates.

Provide.

*Provided nevertheless*, That any Persons not being Inhabitants in this State, shall have Liberty to exhibit their Claim against any Estate which shall not be represented Insolvent, at any Time within two Years after Publication of the Notice aforesaid, and shall be intitled to Payment out of the clear Estate that shall remain over and above the Payment of those Claims that were exhibited within the Time limited as aforesaid, only; any Thing in this Act to the contrary notwithstanding.

Buildings to be kept in repair.

And all such Houses and Buildings as appertain to the Estate of any Person deceased, shall be kept and maintained in tenantable Repair, by the Revenue of the Lands belonging to such Estate; and shall in such Repair be delivered to the Heirs or Legatees, at the Time of the Division or Distribution thereof; extraordinary Casualties excepted.

### An Act directing certain confiscated Estates to be sold.

Confiscated estates.

How disposed of.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That all Lands which are forfeited to this State, by any Persons adjudged guilty of the Crime of having voluntarily put themselves under the Protection and joined with the Enemies of the United States, which are not under Mortgage, or are not already especially ordered to be otherwise sold or disposed of, shall, after having been advertised in at least one of the common News-Papers of this State for three Weeks successively, be sold at public Vendue, for Specie, on one Year's Credit on Interest, secured by sufficient Sureties or Notes which are or shall be given by the

Treasurer of this State to the Officers and Privates of the *Connecticut* Line of the Army, for Services rendered prior to the passing of this Act, computing the Interest arisen thereon to the Time of the Sale. Which Sales shall be made under the Direction of the several Judges of Probate, who are legally impowered to grant Administration upon any such forfeited Estates. And it is hereby further ordered, that upon the Sale of any such Estate, or any Part thereof, as such Judge shall direct, he shall transmit to the Treasurer of this State a general Description of the Estate so sold, together with the Avails of such Sales, distinguishing the Specie from the Notes received thereby, and also the Name of the Person or Persons to whom the same has been sold; and shall also transmit a similar Account to the Committee of Pay-Table; each of which shall make proper Entries thereof in their respective Offices, in an Account with such Judge. And it is also ordered, that every such Judge, upon the Sale of any such Estate under his Direction, shall transmit a Deed of Sale thereof to the Treasurer, and indorse therein a Request to him to execute it in favour of the Purchaser; and thereupon the Treasurer shall execute such Deed in behalf of this State; which Deed, together with the Indorsement thereon, shall be recorded in the proper Office.

*Always provided*, That no Sale shall be made of any such forfeited Estate until a return of the Commissioners appointed to examine the Claims of the Creditors thereof, has been made and accepted; and that no such Judge shall transmit more of the avails of such Estate to the Treasurer than the surplus of the Debts which remain unpaid; and Charges of Administration and Costs attending the negotiation of such Sale and Transfer; all which are to be liquidated and allowed by such Judge; who shall direct the Payment thereof to the Persons to whom they are due. Provido.

*Provided also*, That all Proceedings respecting the Debts, Sales, and Allowance of Costs, and every other Matter relative to the Settlement of any such Estate, shall be entered in the Registry of the Office of such Judge. Provido.

*And be it further enacted*, That every such Judge of Probate be directed and impowered to authorize some proper Person to institute any Suit in behalf of this State, for the Recovery and Seizen of any such Estate, which had been mortgaged to the Person or Persons adjudged guilty as aforesaid, before such Estate had been adjudged forfeited as aforesaid; and upon any such Recovery, such Judge shall, in case the Debt for which such Estate was mortgaged, and the Costs for the Recovery thereof shall not be paid within six Months after such Recovery, order the same to be sold, and shall otherwise be proceeded with as is directed by this Act; and in that Case the Mortgager or Mortgagers shall thereafter be forever debarred from obtaining any Recovery therefor, either in Law or Equity, except for the Surplus that such Estate shall sell for, more than the Debt and Cost as aforesaid. If mortgaged how recovered and disposed of.

*Provided always*, That if such Estate shall be under any Mortgage to any other Person or Persons than to him or them who shall have been adjudged guilty as aforesaid, previous to such Adjudication, the same shall be sold under such Incumbrance. Provido.

*Be it further enacted*, That the said Judges of Probate shall proceed to settle the personal Estates forfeited as aforesaid, according to Law, and shall transmit the Avails thereof to the Treasurer, and duplicate Accounts of their Proceedings relative thereto, to the Treasurer and Committee of Pay-Table, in the Manner heretofore directed by this Act; so that a complete Settlement may be made of such Estates, as soon as the Circumstances thereof will admit. Personal estate how settled.

Repealed,  
page 322.

An Act for laying an Excise on sundry Articles of Consumption within this State.

Preamble.

*WHEREAS it is necessary, in order to establish Funds for the Payment of the Interest, and to support the Value and Credit of public Securities, that some Measures be adopted in Addition to the ordinary Mode of Taxation within this State.*

An excise  
laid.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That from and after the twentieth Day of April, One thousand seven hundred and eighty-three, there shall be paid into the Treasury of this State, and applied to the Uses mentioned in this Act, an Excise on all the following Articles sold by Retail or consumed within this State, as hereafter expressed, viz.

Articles en-  
umerated.

For every Gallon of foreign Wine, one Shilling; for every Gallon of foreign Brandy, eight Pence; for every Gallon of foreign Geneva, eight Pence; for every Gallon of *West-India* Rum, six Pence; for every Gallon of *New-England* or Country Rum, four Pence; for all other distilled Spirits, four Pence per Gallon; for each Pound of imported Snuff, six Pence; for each Pound of Bohea Tea, six Pence; for all other Kinds of *India* Tea, two Shillings per Pound; for each Pound of Coffee, one Penny; for each Pound of imported Chocolate, three Pence; for each Pound of Chocolate made within this State, one Penny; for each Pound of imported loaf Sugar, two Pence; for each Pound of brown Sugar, one Penny; for all wrought Iron and Steel Ware, wrought Silks, Muslins, Gauzes, Cambricks, beaver, castor and felt Hats, Jewelry, Looking-Glasses, *China* Ware, earthen and stone Ware, Painters Oil, and Colours, Broadcloaths of above twenty Shillings per Yard, Velvet, Corduroys, Lemons and Limes, shall be paid five *per Cent.* on the Value thereof in lawful Money, at the Time the same shall be purchased or procured, by the Person or Persons who shall retail or consume the same.

County  
courts to  
appoint col-  
lectors.

And in order to Collect the same, the County Court in each County shall, by said 20th of April, appoint a suitable Person to be Collector of the Excise aforesaid, in their County, and so from Time to Time in each County in this State, as Occasion may require. And each Collector so appointed, shall be sworn to a faithful discharge of his Office, and also become bound with one or more sufficient Sureties, freeholders and inhabitants of this State, before such County Court, or any one of the Judges thereof, in a Recognizance of two Thousand Pounds lawful Money, to the Treasurer of this State, conditioned that such Collector shall well and faithfully execute and perform his said Office according to Law, and make good all Damages that shall accrue to this State by means of his Failure therein; which Bond shall be entered on the Records of such County Court.

Collectors  
may appoint  
deputies.

And such Collector so appointed and qualified, shall have full Power and Authority to appoint one or more Deputy or Deputies under him from Time to Time, as may be needful, taking the Advice of the Civil Authority and Select-men in the Town where such Deputy lives, therein: And such Deputies shall likewise be sworn to a faithful discharge of said Office.

accountable  
for the do-  
ings of their  
deputies.

And each such Collector is hereby authorized and directed, either by himself or his Deputy, to demand, collect and receive all the Excise aforesaid within their respective Counties: And each such Collector shall be accountable for the Doings of his Deputies in said Office, and is hereby authorized and empowered to call his said Deputies, or any of them, to account for all Monies and Securities by them so collected, when he shall think proper. And each Collector, appointed by the County Court and qualified as aforesaid, shall render to the Treasurer of this State a true Ac-

count of all his Doings in said Office, and of all the Monies collected, and Securities received, on the Articles aforesaid, by him and his Deputies, by virtue of this Act, once in three Months, and oftener if required.

And be it further enacted by the Authority aforesaid, That such Persons as desire to be Retailers of any or all of the Articles aforesaid, shall, before they or any of them retail any of those Articles, obtain a Licence, before some Assistant or Justice of the Peace in the same County, and shall become bound before such Assistant or Justice, with sufficient Surety, in a Recognizance of two Hundred Pounds lawful Money, to the Treasurer of this State, that such Retailer shall duly observe and keep all the Laws of this State, that are or shall be made respecting the Excise on any Articles whatever, and render a just and true Account upon Oath, to the Collector of Excise in the County where such Collector dwells, or to his Deputy, whenever demanded, of all the Articles such Retailer or Innholder shall have on Hand, subject to Excise, at the Time of granting such Licence, and of all such Articles as he shall have had or vended, at or before the rendering such Account, and pay the Excise thereon to such Collector (subtracting one eighth Part of such distilled Spirits and brown Sugars for Leakage and Wastage): Which Licence shall continue in Force one Year, and no longer, from the Date thereof. And such Assistant or Justice shall transmit a Copy of such Licence and Bond to the Collector of Excise in the County; and his Fee for granting Licence and taking Bond as aforesaid, shall be three Shillings lawful Money; and for an attested Copy thereof one Shilling and Sixpence, to be paid by such Retailer.

That no Retailer, licenced as aforesaid, shall directly or indirectly sell a less Quantity of the Liquors aforesaid, than one Quart, or suffer the same to be drank in his House, under the same Penalties by Law provided against selling strong Liquors in small Quantities without Licence. And no Person or Persons (excepting licenced Tavern-Keepers and Retailers) shall sell any distilled spirituous Liquors by less Quantity than thirty Gallons, upon the Penalty aforesaid. That if any Person or number of Persons, shall purchase more than thirty Gallons of any of the distilled Spirits aforesaid, for their own private Use and Consumption, the same shall nevertheless be subject to pay the Excise aforesaid, and may be collected from the Purchaser thereof in the same Manner as from Retailers or Tavern-Keepers. And it shall be the Duty of each such Collector and Deputy Collector to make diligent Inquiry after all the Goods or Articles subject to the Payment of Excise within their respective Counties, and to demand of every Retailer, Tavern-keeper, or other Person or Persons whatsoever, on or before the 20th Day of April, 1783, and as often as once in three Months afterwards, a true Manifest in Writing under Oath, containing an Invoice under his or their Hands, of all the Articles subject to the payment of Excise; therein expressing the Marks, Number, Quantity and Quality thereof, and the Place where lodged, kept or stored; which Oath may be administered by such Collector or his Deputy, or by any Assistant or Justice of the Peace, as follows, viz.

*You swear, that the Manifest you have now made, contains a full and true Account of all the Articles you own or have on Hand, for the Purpose of retailing or Consumption, subject by Law to the Payment of Excise, on which the same has not been paid, nor secured to be paid, according to your best Knowledge and Belief; and that you have not directly nor indirectly concealed or disposed of any such Article or Articles to avoid the Payment or prevent the Collection of the Excise thereon required by Law.*

So help you God.

And in case any Retailer of any of the Articles aforesaid, or any Innholder or other Person or Persons, shall refuse or neglect to give in an Ac-

to render account to the State Treasurer.

Retailers to obtain Licence.

To give bond.

To render account to the collectors &c.

One eighth per cent, allowed for leakage, &c. Licence to continue one year.

Copy to be sent to the collector---see therefor.

Not to sell less than a quart of liquor.

No person, except, &c. to sell less than 30 gal.

Collectors to make inquiry after goods subject to pay excise.

To demand a manifest of retailers, &c. under oath.

Form of the oath.

Penalty for refusing to give account or rendering a false account.

count under Oath as aforesaid, in a reasonable Time after Demand made as aforesaid, or shall render a false Account, such Retailer, Innholder, or other Person or Persons, shall forfeit and pay the Sum of *One Hundred Pound* lawful Money, one Half to the Treasurer of this State, and the other Half to such Collector or his Deputy, or the Person who shall prosecute the same to Effect in any Court proper to try the same, and shall be adjudged incapable of holding or receiving any Licence to retail any Goods, Wares or Merchandize, or to keep a Tavern, or House of Entertainment within this State.

Collectors may take security for payment

And when any Retailer of any of the Articles aforesaid, or any Innholder or other Person shall desire it, such Collector or his Deputy may take good Security for such Excise, payable to the Governor and Company of this State; one Half on Demand, and the other Half in three Months, with Interest until paid.

Disputes concerning the quantity, &c. how determined.

And if any Dispute shall arise concerning the Value or Quantity of any of the Articles aforesaid, by which the Excise thereof is to be ascertained, the same shall be determined by two disinterested Persons, to be agreed upon by such Collector, and Retailer, or Tavern-keeper, or other Person; or in case they cannot agree, such Collector shall apply to the next Assistant or Justice of the Peace, who is disinterested, and he shall appoint two judicious Persons for the Purpose aforesaid, who shall be sworn to appraise the same, and ascertain the Quantity and Quality, according to their best Judgment, and make return of their Doings thereon to such Collector; and he shall collect the Excise thereon accordingly, together with the Cost of such Appraisal. And all such Articles as shall be liable to the Payment of Excise by Virtue of this Act, may, on neglect or refusal of Payment, be taken by such Collector or his Deputy, if to be found within his Precincts; and shall be advertised and sold at public Vendue, in the same Manner as Goods are sold by Collectors for the Payment of public Taxes, sufficient to pay such Excise and Cost of Sale; and the Remainder shall be returned to the Owner, or Place where taken.

On refusal of payment, goods to be sold.

Power of collectors to enter stores.

And such Collector may enter any Store or Place for the Execution of his said Office, as shall be needful, after making Demand at the Door of Entrance, and refusal or neglect to grant the same, in the Day Time. And the Fee or Reward of such Collector or his Deputy, shall be Seven and one Half per Cent. on all Monies by him collected and paid, according to the Directions of this Act. And it shall be the Duty of the Collector in each County, to see that all Securities taken by him or his Deputy, for Excise, be duly collected; and on Failure thereof to put the same in Suit, by Attachment or otherwise, and pursue the same to final Judgment, by himself or Attorney, as he shall find to be needful; and shall be accountable for his Doings thereon to the Governor and Company of this State,

Goods purchased of persons not licenced---the excise how collected.

And when the Collector of Excise shall suspect any Person hath purchased any of the aforesaid Articles subject to Excise, or hath supplied himself by any other Means than by purchasing from a licenced Retailer, it shall be the Duty of such Collector to apply to such Person for an Account of all such Articles as he hath so supplied himself with to be used in his Family or Business in this State; and upon Refusal, he shall take out a Warrant from a Justice of the Peace, to summon such Person to appear before him and render such Account on Oath, according to the best of his Knowledge, and pay such Duty accordingly; and upon Refusal, it shall be the Duty of such Justice to give judgment for any Sum that he shall think just and reasonable, not exceeding the Sum of *five Pounds* and Cost.

Penalty on those who retail without licence.

And be it further enacted by the Authority aforesaid, That no Person or Persons whatsoever shall sell by Retail, any of the Articles aforesaid, within this State, without Licence first had and obtained, on Pain of Forfeiting

## Executions.

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double the Price or Value of the Articles sold ; one Half to him that shall sue for and prosecute the same to effect, and the other Half to the Treasurer of this State.

*And be it further enacted by the Authority aforesaid, That all the Monies raised by Excise, by Virtue of this Act, shall be, and the same are hereby pledged and secured in the first Instance, for the Payment of the annual Interest of such Monies as have been, or may be procured on Loan by Order of this Assembly.*

Monies how disposed of.

And all Innholders or Taverners, upon taking out Licence, shall give Bonds according to the Tenor of this Act.

Innholders to give bonds Excise not to extend to articles wrought in this state.

*Be it further enacted by the Authority aforesaid, That the enumerated Articles of which an Excise of five per Cent. is laid by this Act shall not extend to any Articles wrought or manufactured in this State.*

*And be it further enacted by the Authority aforesaid, That any Person who shall sell any of the Articles by Law subject to an Excise, without Licence, shall (in Addition to the Penalties incurred by this Act) pay a Fine of six Pounds for every such Offence, for the Use of this State : And the Collectors, and Deputy Collectors of Excise within their respective Districts, and all other informing Officers, are hereby enjoined to enquire after, and due Presentment make of all Breaches of this Act.*

Additional fine of 6l. on persons who sell excised articles without Licence.

## An Act for directing and regulating the levying and serving Executions.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That when any Judgment is recovered, and Execution is taken out thereon, the Sheriff or other Officer to whom the Execution is directed, shall repair to the Place of the Debtor's usual Abode, if within his Precinct, and there make Demand of the Debt or Sum due on such Execution, with all necessary Charges of executing the same ; and upon refusal or neglect of Payment of the same, the Officer shall levy the Execution upon any of the personal or moveable Estate of the Debtor ; except necessary Apparel, Bedding, Tools, Arms or Implements of his Household, necessary for upholding his Life : and upon such Goods also ; if they shall be presented by the Debtor.

Officers duty to repair to the debtor's abode, and make demand, &c.

And the Officer shall forthwith draw an Account of the particulars of the Goods or Estate he shall so seize and take, and set up the same on the Sign-Post of the Town wherein he shall seize the same ; And the Officer, with the Account of the said Goods, shall set up a Declaration, that the said Goods so posted, are to be sold at the Place where posted, at public Vendue, at the End of twenty Days after, naming the Day of the Month.

Goods to be posted, &c.

And in case the Debtor shall not within the said twenty Days, pay the Debt, and all the Cost and Charges arisen thereon, the Officer shall cause a Drum to be beaten at the Sign-Post to give Notice to Customers to come ; and shall sell the said Goods (or as many of them as shall be necessary) there, at an Out-cry to the highest Bidders ; and of the Effects thereof shall pay the Debt and Charges due to the Creditor, and satisfy himself for his own Fees and Charges, and the Overplus (if any be) shall return to the Owner thereof.

To be sold after twenty days, &c.

That in case moveable or personal Estate of the Debtor, sufficient to satisfy the Debt and Charges, cannot be found, and the Creditor shall not agree to accept or take the Debtor's Lands, the Officer shall levy the Execution on the Debtor's Body, and him commit to the common Gaol in the County in which the Execution is levied, where the Debtor shall remain until he shall pay the Debt and Charges, with the Officer's and Prison-keeper's Fees.

For want of personal estate, to take land in case, &c.

Copy of execution sufficient warrant for commitment, &c.

And every Officer who shall commit any Person to Prison by Virtue of Distress or Execution, shall deliver a Copy of the Writ or Execution, signed by such Officer, to the Gaoler or Prison-keeper; which Copy, so signed and delivered, shall be a sufficient Warrant or Order to the Gaoler to receive such Person or Persons, and him or them to hold in safe Custody, till delivered by Law.

Lands, &c. subject to be taken on execution where personal estate is not sufficient, &c.

And be it further enacted by the Authority aforesaid, That all Lands and Tenements belonging to any Person in his own proper Right in Fee, shall stand charged with all the just Debts owing by such Person as well as his personal Estate, and shall be liable to be taken in Execution for Satisfaction of the same, where the Debtor or his Attorney shall not expose to view and tender to the Officer personal Estate sufficient to answer the Sum mentioned in the Execution with all Charges. And all Executions duly served upon any such Houses and Lands, being, with the Return of the Officer thereon, recorded in the Records of Lands in the Town wherein such Houses or Lands are situate; and also returned into the Clerk's Office of the Court out of which the same issued, and there recorded, shall make a good Title to the Party for whom they shall be taken, his Heirs and Assigns forever.

Mode of levying executions on land.

And whensoever any Execution shall be levied upon Lands, the same shall be appraised by three indifferent Freeholders of the same Town where such Lands lie; or if that Town be a Party, then of the next adjoining Town; one whom may be chosen by the Debtor and another by the Creditor; and if they do not agree in choosing a third, or if either Party neglect to choose, the Officer shall apply to the next Assistant or Justice of the Peace, who by Law may judge between the Parties in civil Causes, which Authority shall appoint one or more Appraisers, as the Case may require, which Appraisers shall be sworn according to Law.

To be recorded in the town records, &c.

And it shall be the Duty of the Officer that levies such Execution on Lands, to cause the Execution, with his Endorsement thereon, to be entered on the Town Records as aforesaid, before he returns the same into the Clerk's Office of the Court out of which it issued; and the Officer shall have two Shillings for causing the same to be so recorded, with additional Fees for his Travel.

[So much of the last recited Paragraph as respects recording the Execution and Return in the Town Records, and the Appointment of the Appraisers, was enacted in October, One Thousand seven Hundred and Sixty-six.]

Executions may be directed to any officer in the county where the person or estate is, &c.

And be it further enacted by the Authority aforesaid, That all Executions issuing out of the Office of the Clerk of the County Courts, or Superior Courts respectively, and Executions granted by Justices of the Peace, where by Law they have Authority to grant Execution, may by the said Justices and Clerks, respectively, be directed to any of the Officers proper to serve the same, in any of the Counties in this State, in which the Person dwells, or the Estate whereon the same is to be levied is, at the Time of granting the Execution; Which Officers to whom the same is directed and delivered, shall duly and faithfully serve and return the same according to the Directions therein given; Which being returned, shall be kept on File in the Office out of which the same issued.

What time to be made returnable, &c.

And that all Writs of Execution shall be made returnable within sixty Days or to the next Court (in Case sixty Days are remaining between the Date of the Execution and the next Court) at the Election of him that prays it out. And all Executions granted by a single Minister of Justice, shall be made returnable in sixty Days. And all Constables, as well as Sheriffs, shall have Power to execute any Writ of Execution to them directed, within their own Precincts.

### An Act for regulating Fees.

**B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same. That the establishment of the Fees of the several Officers of this State, shall be as follows, to wit,

Assistants Fees.			
For attending the General Assembly, per Day, nine Shillings,	0	9	0
Travel per Mile out, six Pence,	0	0	6
Representatives Fees.			
For attending the General Assembly, per Day, six Shillings,	0	6	0
Travel per Mile out, six Pence,	0	0	6
Superior Court's Fees.			
Chief Judge, per Day, eighteen shillings,	0	18	0
Assistant Judges, per Day, seventeen Shillings,	0	17	0
For trying each Action, twenty-four Shillings,	1	4	0
Each Default or Confession twelve Shillings,	0	12	0
Clerk of the Superior Court's Fees.			
For entering each Action and Judgment, three Shillings,	0	3	0
Filing each Deposition, three Pence,	0	0	3
Entering each Judgment acknowledged, one Shilling,	0	1	0
Each Execution, one Shilling and Six-pence,	0	1	6
For Copies, each Page, of twenty-eight Lines, ten Words in a Line one Shilling and Six-pence,	0	1	6
County Court's Fees.			
Chief Judge per Day, twelve Shillings,	0	12	0
Each Justice of the Quorum, per Day, nine Shillings,	0	9	0
Trying each Action, twelve Shillings,	0	12	0
Each Judgment, Default, or Confession, three Shillings & Six-pence,	0	3	6
Licence to each Tavern-keeper, six Shillings,	0	6	0
(Whereof to the Clerk, one Shilling.)			
Licence to each Tanner, six Shillings,	0	6	0
Jury's Fees at the Superior or County Court.			
For trying each Action, thirty-six Shillings,	1	16	0
Travel out per Mile, Three-pence,	0	0	3
Clerk of the County Court's Fees.			
For entering each Action, Three-pence,	0	0	3
Entering each Judgment or Continuance, one Shilling,	0	1	0
For granting Writs, taking Bond, &c. the same as Justices Fees for like Services.			
For Copies of every Kind, each Page of twenty-eight Lines, ten Words in a Line one Shilling & six Pence,	0	1	6
Court of Probate's Fees.			
Granting Administration, to the Judge, one Shilling and Six-pence,	0	1	6
Receiving and Probate of every Will, & Inventory of fifty Pounds or under, two Shillings,	0	2	0
(Whereof to the Clerk, Nine-pence.)			
Receiving and Probate of every Will, and Inventory, of more than fifty Pounds, three Shillings,	0	3	0
(Whereof to the Clerk, one Shilling.)			
Each Quietus, one Shilling,	0	1	0
(Whereof to the Clerk, Six-pence.)			
Recording every Will, and each Inventory of fifty Pounds, or under, two Shillings and Six-pence,	0	2	6
For recording every Will, and each Inventory of more than fifty Pounds, and not exceeding one Hundred Pounds, three Shillings,	0	3	0
And for every hundred Pound, after the first Hundred, Three-pence.	0	0	3

	And for a Gopy, the same.		
	Each Bond for Administrator, and each Letter of Administration, <i>one Shilling,</i>		0 1 0
	For making out and registering a Commission for receiving and examining the Claims of Creditors of an Insolvent Estate, <i>One shilling,</i>		0 1 0
	Registering the Report of Commissioners, per Page of twenty-eight Lines, ten Words in a Line, <i>One shilling &amp; six-Pence,</i>		0 1 6
	Making and entering an Order on the Administrator to pay out the Estate to the Creditors in due Proportion, <i>Four Shillings,</i>		0 4 0
	Recording a Distribution, the same as for registering the Report of Commissioners.		
	Allowing Accounts for settling and dividing Intestate Estates, <i>One shilling and six-pence,</i>		0 1 6
	Appointing Guardian and taking Bond, <i>Two shillings,</i> (Whereof to the Clerk, <i>One Shilling.</i> )		0 2 0
	Order to sell Land, <i>Three shillings,</i>		0 3 0
	Assistants and Justices Fees:		
	Signing an Attachment or Summons for Action, <i>six Pence,</i>		0 0 6
	Taking every Bond of Recognizance, <i>six Pence,</i>		0 0 6
	Summons for Witnesses, <i>six Pence,</i>		0 0 6
Justices.	Entering and trial of an Action, <i>Three shillings,</i>		0 3 0
	Execution, <i>One shilling,</i>		0 1 0
	Judgment on Confession or Default, <i>One shilling; and six-Pence,</i>		0 1 6
	Warrant in a Criminal Case, <i>One shilling,</i>		0 1 0
	Bond for Appeal, <i>six Pence,</i>		0 0 6
	Copies the same Fees as Clerks of Courts.		
	Affidavit taken out of Court, <i>six Pence,</i>		0 0 6
	Entering a Plea of Title, and taking Bond <i>Three shillings,</i>		0 3 0
	Taking Acknowledgement of a Deed, &c. <i>six Pence,</i>		0 0 6
	Secretary's Fees:		
Secretary.	Recording Laws and Orders of the General Assembly, of public Concernment, each; <i>One shilling,</i>		0 1 0
	Affixing the State Seal, each Time, <i>One shilling,</i>		0 1 0
	Each Military Commission, <i>One shilling,</i>		0 1 0
	Each Commission for Justices in a County, <i>Five shillings,</i>		0 5 0
	Commission for Judges of the Superior Court, <i>Three shillings,</i>		0 3 0
	Each Commission for a Judge of the County Court, or Court of Probate, <i>One shilling and six-pence,</i>		0 1 6
	Each Petition or Memorial to the General Assembly, <i>One shilling and six-pence,</i>		0 1 6
	For the Use of the State, on each Petition, <i>Twenty Shillings,</i>		2 0 0
	For Copy of each Order of the General Assembly, on a Petition or Memorial, not exceeding one Folio Page, <i>One shilling and six-pence,</i>		0 1 6
	For Copies of greater Length, and all other Copies, the same as the Clerk of the Superior Court.		
	Sheriffs and Constables Fees:		
Sheriffs and Constables.	Serving every Summons, <i>Four-pence,</i>		0 0 4
	If by Copy, <i>Six-pence,</i>		0 0 6
	Serving every Attachment, <i>six-pence,</i>		0 0 6
	Bail Bond, <i>One shilling,</i>		0 1 0
	Levying every Execution not exceeding one Pound, <i>one Shilling lawful Money, and Three-pence per Pound for every Pound above that Sum, in the same Currency of the Execution, or Equivalent in lawful Money.</i>		1 3 0

## Fees.

65

Attending a Justice's Court, on Trial of each Action when obliged to attend, <i>one Shilling and Six-pence.</i>	0	1	6	
Each Mile Travel out, <i>Three-pence.</i>	0	0	3	
Sheriff attending the General Court or Superior or County Court per Day, <i>six Shillings.</i>	0	6	0	
Constable for like Service, <i>four Shillings.</i>	0	4	0	Constable.
Fees for Plaintiff or Defendant attending Court per Day, <i>one Shilling and Six-pence.</i>	0	1	6	Plaintiff and defendant.
Witnesses attending any Court per Day, each <i>two Shillings.</i>	0	2	0	
Travel for Witness per Mile, <i>Three-pence.</i>	0	0	3	Witness.
To the Party per Mile, <i>Two-pence.</i>	0	0	2	Travel.
Each Jury-man for viewing Highways per Day, <i>four Shillings.</i>	0	4	0	Jury-men
Officers attending such Jury per Day, <i>five Shillings.</i>	0	5	0	viewing highway.
Town Clerk's Fees.				
For recording a Deed, <i>one Shilling.</i>	0	1	0	
For Copy of a Deed, <i>one Shilling.</i>	0	1	0	
For other Copies, and recording survey Bill, the same Fees as the Clerk of the County Court for Copies.				Town-clerk
For recording of Marriage, Birth or Death, <i>Three-pence.</i>	0	0	3	
Attorney's Fees to be taxed in Bills of Cost.				
At the Superior Court, <i>Eight shillings.</i>	0	8	0	
At the County Court, <i>Four shillings.</i>	0	4	0	Attorney.
Each Grand-jury-man for attending the Superior or County Court, per Day, <i>four Shillings.</i>	0	4	0	
Travel per Mile out, <i>four Pence.</i>	0	0	4	
Each Witness in Criminal Cases, at the Suit of the State, for Attendance at the Superior or County Courts, and Expences, per Day, <i>Four shillings.</i>	0	4	0	
If before an Assistant or Justice, per Day, <i>Two shillings.</i>	0	2	0	
State Attornies Fees.				
Not exceeding the following Allowances.				
For conducting and pleading each Criminal Case, not Capital, before the Superior Court, on Bill found by the Grand-Jury, <i>Two Pounds ten Shillings.</i>	2	10	0	
Drawing an Indictment or Information, <i>Six shillings.</i>	0	6	0	
For a Trial before the Superior Court, in a Criminal Case, on Information, or for conducting and pleading a civil Cause, on behalf of the State, <i>Two Pounds.</i>	2	0	0	State attor- ney.
For prosecuting a Civil Cause, when Judgment is given on Confession or Default, in the Superior Court, <i>One Pound.</i>	1	0	0	
For a Capital Trial, <i>Four Pounds.</i>	4	0	0	
In a Criminal Case, on Confession, before the Superior Court, <i>One Pound ten Shillings.</i>	1	10	0	
In Case of <i>nolle Prosequi</i> entered, or a return of a Grand-Jury, not a true Bill <i>One Pound.</i>	1	0	0	
If an Assistant Attorney is allowed in any Trial, not Capital, before the Superior Court, in behalf of the State, his Fee shall be <i>One Pound.</i>	1	0	0	Assisting attorney.
Or if Capital, <i>Two Pounds.</i>	2	0	0	
In Prosecution on behalf of the State, before the County Court, the Attorney shall be allowed, not exceeding two Thirds of the Fees allowed for the like Services in the Superior Court; or less, at the Discretion of the Court.				
County Surveyor's Fees.				
For himself and Horse, besides Expences, per Day, <i>Six shillings.</i>	0	6	0	County sur- veyor.

Felonies.

	Post Wages.	£.	s.	d.
Posts.	For Man, Horses and Expences, per Mile out, <i>Five Pence</i> . The same for Men employed in pursuit of Criminals, or conducting them to Gaol, and other like Services done by order of Authority. }	0	0	5
	Gaolers Fees.			
Gaolers.	For Commitment and Discharge of a Prisoner, <i>Two Shillings</i> , For dieting each Prisoner, per Week, <i>Five Shillings</i> .	0	2	0
	Naval Officers Fees.	0	5	0
	For Clearance of a Vessel bound to any other of the United States, <i>six Shillings</i> , }	0	6	0
Naval Officers.	For Clearance of a Vessel bound to the <i>West-Indies</i> , <i>Twelve shillings</i> , }	0	12	0
	For Clearance of a Vessel bound to <i>Europe, Asia, or Africa</i> , <i>Eighteen shillings</i> . }	0	18	0
	For a Register, <i>Eight shillings</i> , - - - - -	0	8	0
	For indorsing a Register, <i>Two shillings</i> , - - - - -	0	2	0
	For cancelling a Bond, <i>Two shillings</i> , - - - - -	0	2	0
	For Bond, <i>Two shillings</i> , - - - - -	0	2	0
	For Cocket, <i>Three shillings</i> , - - - - -	0	3	0
	For a Permit to Load or Unload, <i>Two shillings</i> . - - - - -	0	2	0

An Act for the Punishment of divers capital and other Felonies.

**B**eastiality. *It is enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That if any Man or Woman shall lie with any Beast or Brute Creature, by carnal Copulation, such Person shall be put to death; and the Beast shall be slain and buried.*

Sodomy. *That if any Man shall lie with Mankind, as he lieth with Womankind, both of them have committed Abomination, they both shall be put to death, except it shall appear that one of the Parties was forced, or under fifteen Years of Age; in which case the Party, forced, or under the Age aforesaid, shall not be liable to suffer the said Punishment.*

False witness. *That if any Person rise up by false Witness, wilfully, and of Purpose, to take away any Man's Life, such Offender shall be put to death.*

Arson. *That if any Person of the Age of sixteen Years, or more, shall wilfully, and of Purpose, burn any Dwelling-House, Barn, or Out-House, he shall be put to death: Or if no Prejudice or Hazard to the Life of any Person happen thereby, shall suffer such other severe Punishment as the Superior Court shall determine, and also satisfy all Damage to the injured or aggrieved Party.*

Burning magazines, vessels, &c. *That if any Person or Persons shall wilfully and maliciously burn or destroy, or attempt or conspire to burn or destroy any Magazine of Provisions, or of military or naval Stores, belonging to the United States of America, or to this State; or if any Master, Officer, Seaman, Mariner, or other Person intrusted with the Navigation or Care of any Vessel belonging to the said United States, or Vessel belonging to this State, shall wilfully and maliciously burn or destroy, or attempt or conspire to burn or destroy such Vessel, or in Time of War, shall wilfully betray, or voluntarily yield or deliver any such Vessel to the Enemies of the United States of America; every such Person, and their Aiders or Abettors, on legal Conviction of either of the Offences aforesaid, shall suffer death; or if any of the said Offences, when committed in Time of Peace, shall be attended with such alleviating Circumstances as in the Judgement of the Superior Court may render it reasonable to inflict a lower Punishment, such*

Person may be punished by whipping on his naked Body, not exceeding forty Stripes, and by Banishment, or Imprisonment in any Work-House, or House of Correction, not exceeding ten Years, and a Forfeiture of all the Estate of such Offender, to the Use of this State, at the Discretion of the said Court.

That if any Person on Purpose, and of Malice, Fore-thought, and by laying in wait, shall cut out or disable the Tongue; or put out an Eye or Eyes, so that the Person is thereby made blind; or shall cut off all, or any of the privy Members of any Person; or shall be aiding or assisting therein, such Offender, or Offenders shall be put to death. Cutting off members.

That if any Person within this State, shall presume wilfully to blaspheme the Name of God the Father, Son, or Holy Ghost, either by denying, cursing, or reproaching the true God or his Government of the World; every Person offending, shall be punished by whipping on the naked Body, not exceeding forty Stripes, and sitting in the Pillory one Hour: and may also be bound to his good Behaviour, at the Discretion of the Superior Court who shall have Cognizance of the Offence. Blasphemy,

And be it further enacted by the Authority aforesaid, That if any Person within this State, having been educated in, or having made Profession of the Christian Religion, shall by writing, printing, teaching, or advised speaking, deny the Being of a God; or any One of the Persons in the Holy Trinity to be God; or shall assert and maintain that there are more Gods than One; or shall deny the Christian Religion to be true, or the Holy Scriptures of the Old and New Testament to be of Divine Authority, and be thereof lawfully convicted before any of the Superior Courts of this State, shall for the first Offence, be incapable to have or enjoy any Offices or Employments, ecclesiastical, civil or military, or any Part in them, or Profit by them: And the Offices, Places and Employments enjoyed by such Persons at their Conviction, shall be void. Deism.

And such Person being a second Time convicted of any of the aforesaid Crimes, shall be disabled to sue, prosecute, plead, or maintain any Action or Information in Law or Equity; or be Guardian of any Child, or Executor of any Will, or Administrator of any Estate. 2d Offence.

Provided nevertheless, That no Person shall be prosecuted by Virtue of this Act, for Words spoken contrary to this Paragraph thereof, unless Information thereof be given within six Months after the Offence committed. Proviso.

Provided also, That any Persons convicted of any of the said Crimes, shall for the first Offence, upon renouncing such erroneous Opinions in the Court where convicted, within twelve Months after Conviction, from the Time of such renouncing, be discharged from all Disabilities incurred by such Conviction. Proviso.

And be it further enacted and provided by the Authority aforesaid, That the Governor, or Lieutenant-Governor of this State, for the Time being, or any three Assistants concurring, shall have power to reprieve a condemned Malefactor to the next General Court. Governor, or, &c. may reprieve,

That any Person arraigned before the Superior Court, for Trial, on an Indictment for any capital Offence, by Law punishable with Death, shall have Liberty peremptorily, without giving any Reasons to challenge twenty of the Jurors, summoned and impanelled for said Trial, and no more, without showing sufficient Reasons. Jury may be challenged.

## An Act for ordering and regulating Fields and Fences.

BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That those who are, or shall be Proprietors or Owners of Land in any Field that now is settled,

Owners of  
common  
fields to  
meet annu-  
ally.

reputed, or used, or hereafter shall be formed, fixed, or slated for a Common Field, shall and may meet together by themselves or Agents, annually on the first Monday in March, or on such other Day as they shall appoint, at the usual Place of the Town-Meeting in the Town where such Field is, or at such other Place as they shall appoint, to order the Affairs of such Field, with Respect to the Fencing and Improving said Field, and all other Things necessary for the well ordering, managing and improving the same: In which Meetings the Proprietors of such Fields shall have full Power by their major Vote, to be computed by Interest, to order all such Affairs as they shall see meet.

*And the better to enable them to carry on and manage the Affairs of such Fields.*

To chuse a  
moderator  
and clerk.

They are hereby empowered to chuse a Moderator, and Clerk; which Clerk shall enter all the Acts and Votes of the said Proprietors, relating to the Management of the said Common Fields; and shall be sworn to a faithful Discharge of his Office: Whole Fees shall be the same as the Town-Clerks for the like Service. And such Clerk being once chosen and sworn, shall continue in his Office till another be chosen and sworn in his Room.

Also a com-  
mittee.

They shall also chuse a Committee to take Care of, and manage the Affairs of their Common Field; and may also chuse their own Fence-viewers and Hedges out of their own Number of Proprietors, who shall be sworn to a faithful Discharge of the Duties belonging to their respective offices.

Penalty for  
not serving.

And if any Person or Persons shall refuse to serve, being duly chosen, as aforesaid, he or they shall incur the same Penalty as is provided in Case of Town Officers Refusal; and to be levied in the same Manner.

Committee  
to call meet-  
ings.

And the Committee appointed for any Common Field may call a Meeting of the Proprietors of such Field when they shall judge it needful; either by giving Warning unto such of them as live in the Town where such Field is, and to the Agents, if any be, in the same Town of Non-Resident Proprietors, at least three Days before such Meeting, of the Time, Place and Business of such Meeting; or by warning the said Proprietors in such other Manner, as they in any of their lawful Meetings shall agree upon.

Proprietors  
impowered  
to levy taxes

And the Proprietors of Common Fields at any lawful Meeting are hereby fully empowered to grant, and levy Taxes upon themselves, according to their Interest in such Fields, for the defraying the Charges that may arise in setting out, or altering the Fence, in making Gates, and Bridges for their Field; and for any other public or common Charge about said Field, as they shall judge needful; and appoint Rate-makers, and Collectors for the making, and gathering such Rates; Which Collectors shall have the same Power and Authority as Collectors of Town-Rates have; and shall be under the same Penalties in Case of Refusal to accept, and execute the said Office.

Two-thirds  
of proprie-  
tors agree-  
ing, &c. to  
represent  
their case to  
the county  
court.

*And be it further enacted by the Authority aforesaid,* That when any Number of Proprietors, or Owners of Land in any Town have their Lands adjoining, and so situate as that it may be commodious, and beneficial for them to improve the said Lands as a common Field, if two-thirds Parts of such Proprietors, accounting their Votes according to Interest, shall agree to improve such Lands as a common Field; they are directed to represent the Circumstances thereof to the County Court of that County; and notify the other Proprietors of said Lands to appear at said Court, to make Objections (if any they have) against said Lands being improved, as aforesaid. And on said Proprietors obtaining the Approbation and Allowance of said Court to improve said Land, as aforesaid, the Proprietors and Owners of such Lands are hereby fully authorized and empowered to form and improve the said Lands as a common Field. In which Case they shall have the same Power and Privileges, and be under the same Regulations as those are which are already stated, formed, reputed, or used as such.

*And the better to enable Proprietors of common Fields to fence, and manage, and regulate their Fences.*

*Be it further enacted by the Authority aforesaid; That the Committee of the Field, or a Committee to be appointed for that Purpose, are hereby impowered, and directed to appoint, and set out the Place where, and the Proportion which each Proprietor shall have his Fence erected; either in the Line of Fence already stated, or in any other, or new Line to be fixed; and stated by the Proprietors: (Which they are fully impowered to do).*

Committee to proportion the fence.

*And every Proprietor in such common Field, shall duly erect, (if need be) and shall maintain his Proportion of the said common Fence, according to the Direction of such Committee, upon the Penalty of incurring such Forfeiture as is hereafter in case of defective Fence provided: And also shall attend all Orders of the major Part of the Proprietors of such common Field, for the Improvement thereof; for the common Good, and Benefit.*

Proprietors to attend the orders of the major party, &c.

*And that any Person or Persons having his or their Part or Proportion of common Fence set out to him or them by such Committee, shall have Liberty, in order to make or repair his or their said Part or Proportion of common Fence, of passing over any Persons Lot or Land whatsoever, as much as shall be necessary for the Purpose aforesaid.*

May pass over others lands.

*And when it shall so happen that the Line of Fence, ordered, as aforesaid, for the enclosing any common Field, runs, or shall run in, or upon the Line or Bounds between the Land of any Person making a particular Inclosure; and the Lands of the Common Field, the one Moiety of the dividing Fence at said Place, shall be made and maintained by the Proprietors of the Common Field, and the other Moiety by the Owner of such Inclosure.*

How ordered when fence meets a particular inclosure.

*And where it shall so happen that the common Line of Fence runs, or shall run across the Land of any Person making a particular Inclosure, leaving part on one Side, and part on the other Side of such common Line, Consideration shall be had in proportioning out the Fence to such Inclosure, of the Advantage or Disadvantage the Owner of such Inclosure hath by the Fence running across, as aforesaid: Which the Committee are to observe in proportioning out to such Owners their Part of the Dividend Fence: And all such Fence set out to the Owners of particular Inclosures as aforesaid, shall be inspected and repaired by the Fence Viewers as part of the Fence of the Common Field.*

Inspected by the fence-viewers.

*And that neither the Proprietors of such common Field, nor the Owner of such Inclosure shall excuse themselves by laying upon their Field or Inclosure, from making and maintaining their part of such dividend Fence, without Liberty to do so, first had and obtained from the County Court, in the same leave.*

Fence not to be laid down without leave.

*And where the common Line of Fence inclosing any general Field, as aforesaid, has already been, or hereafter shall be settled and proportioned agreeable to the Resolves and Votes of the Proprietors aforesaid, it shall so remain until altered by such Proprietors.*

When it is proportioned to abide.

*And whensoever the Proprietors of any Common Field shall agree by their major Vote, computed as aforesaid, to alter or new lay or run their common Fence, the Committee to effect the same, shall cause their Doings to be entered with the Clerk of said Field.*

Doings to be entered by their clerk.

*And that the Proprietors Committee, from Time to Time, as Occasion requires, shall have Power, and they are hereby impowered, when and so often as any Person shall purchase any Lands in such common Field, to set out to such Purchaser his Proportion of Fence, at the Desire and Charge of the Grantor; which Grantor shall maintain said Fence until such Time as he procure the same to be done; and cause an Entry thereof to be made by the Clerk of said Field.*

Purchasers to have their fence set out.

*And if any Person having Land lying in any common Field, shall decease,*

Committee to fix the list of fence to the heir of the deceased

and his Heirs and Successors refuse, to make or maintain the Fence that be-  
longed to such Land, the said Committee are hereby empowered to make a just  
and equal Proportion of said Fence, fixing the same in the List of Fence to the  
Heirs or Successors of the Deceased: Which Fence shall be accounted to such  
Heirs or Successors, as it was to their Predecessor.

*And to prevent Difficulties that may arise by the Owners of Fences in the Line  
of Common Fence, neglecting to keep up Stakes with the two first Letters of their  
Names on them, to distinguish their Parts of the Common Fence:*

Owners of  
fence in the  
common  
fields to set  
up mark'd  
stakes, on  
penalty, &c.

*It is further enacted by the Authority aforesaid;* That all Owners of Fence in  
the line of Common Fence, shall set and keep up such Stakes, marked as  
aforesaid. And that every Person who shall neglect, more than two Days,  
after Warning given him by either of the Fence-Viewers of that Field, to set  
up Stakes marked as aforesaid, shall for every such Neglect, forfeit the Sum of  
*One Shilling and six-pence;* to be collected and paid to the Proprietors of  
such Field, or their Order.

Common  
fields to be  
sufficiently  
fenced.

*By it further enacted by the Authority aforesaid,* That all Common Fields  
shall be sufficiently fenced: And that all five-rail Fence, and stone-wall four  
Feet high, being well and substantially erected; and all other Fence, either of  
Rails, Boards, Hedge, Ditch, Brooks, Rivers, Creeks, &c. which in the Judg-  
ment of the Fence-Viewers shall be equivalent to the said five-rail Fence, shall  
be adjudged sufficient Fence. And that such quick-set Fence as shall be ac-  
counted sufficient in the Judgment of the Fence-Viewers to fence against ruly  
Horses; Neat-Cattle and Sheep, shall be judged and accounted sufficient Fence.

What shall  
be account-  
ed so.

*And that the Fence of Common Fields may be kept up, and Damage therein  
prevented.*

Fence view-  
ers to in-  
spect the  
fence.

*It is further Enacted,* That the Fence-Viewers of any Common-Field;  
shall carefully inspect the Fence of said Field, and View the same as often as  
they shall judge it needful: And also whenever they shall be called out and  
ordered by the Committee of such Field; shall inspect and View the same,  
and take Care that the same be kept up and maintained in a good and  
sufficient Manner during the Time they respectively shall continue in that Office.

Fence view-  
ers duty and  
power.

*And to enable them to do the same, They are directed and fully empowered  
upon View of such Common-Fence, and finding any Part thereof to be insuffi-  
cient and defective, without Delay to give Notice or Information to the Owner  
or Owners of such defective Fence, or to such Person or Persons as ought to  
maintain, or who have the Care of maintaining such Fence, of the insufficiency  
thereof; who shall sufficiently erect or repair the same, within the space of five  
Days after Notice given: And in case of neglect thereof, the Fence-Viewers  
shall forthwith repair and make up the same; and the Person to whom it be-  
longs to maintain said Fence, shall pay double Cost and Charge to the Fence-  
Viewers for repairing the same: And in case of Neglect or Refusal to pay said  
double Cost and Charge for the space of ten Days after an Account thereof  
presented, and Demand made; such Cost and Charge shall be levied by Distress  
and Sale of the Offender's Goods, by Warrant from an Assistant or Justice of  
the Peace: And for want of Goods and Chattels, the Officer shall deliver to  
the Fence-Viewers so much of the Lands of the Person deficient, as shall satisfy  
the said Cost and Charge, and other Cost arising by a reasonable Extent, ac-  
cording to the Judgment of said Officer.*

Provido.

*Always provided,* That at any Time within ten Days after the Account  
shewed, and Demand made as aforesaid, the Person aggrieved with such  
Account, shall have liberty to complain to an Assistant or Justice of the Peace,  
who shall upon his Desire and Cost, issue a Warrant to the Select-men of the  
Town, in which the Cause shall happen, or to two Fence-Viewers, not being  
Parties or interested in the Controversy, requiring them forthwith to view and  
appraise the Cost bestowed by the Fence-Viewers in repairing the said defective

**Fence :** And the Party complaining shall pay the Fence-Viewers for repairing said Fence double the said Appraisement : And in case of Refusal, or Neglect forthwith to do the same, it shall be levied by Distress and Sale of the Offender's Goods ; or for want of Goods, by extent of his Lands, by Warrant, as aforesaid.

And if at any Time the Fence-Viewers of any Common Field shall find the common Fence of such Field defective so much that they are not able to repair the same, or to hire Help sufficient to repair the same, so as that such Common Field may be timely secured, and do make Complaint thereof to the next Assistant, or Justice of the Peace, such Assistant or Justice is hereby fully empowered to issue forth a Warrant to the Constable of that Town; or to the said Fence-Viewers, to impress Men and Teams sufficient to repair such defective Fence ; who shall be paid by such Fence-Viewers for their Labour, as they can agree, or as shall be determined by such Assistant, or Justice of the Peace.

Fence viewers finding much defective, to make complaint, to an assistant, or justice, &c.

*It is also further enacted,* That no Person shall feed, or bait any Cattle, or Creatures upon his Neighbours Land in any Common Field without his Leave, or Consent, from the tenth Day of April to the tenth Day of October, Yearly ; unless such Field by the Agreement, and Order of the Proprietors thereof shall be sooner opened for feeding. And all Cattle, or Creatures being found baiting, or feeding, as aforesaid, within the Time aforesaid, shall be liable to be impounded by the Haywards of the Field; or Owner of such Land.

Cattle not to be baited, without leave, unless the field be open.

And all Damages that shall be done in any Common Field, or particular Inclosure by Cattle; Horses, Sheep, or Swine; when the Fence is sufficient, shall be paid by the Owners of such Creatures, but if the Fence be defective, the Poundage shall be paid by the Owners of such Creatures, before they shall be released out of Pound ; and the same shall by him be again recovered of that Person whose Fence is found defective : *Provided* it shall appear that such Creatures entered said Field through such defective Fence. And all Damages that shall be sustained through the Deficiency of Fence, shall be paid or borne by the Owner of such Fence.

Damage done by cattle, &c. paid by their owners.

*And to prevent Difficulties that may arise through the Deficiency of Fence belonging to Proprietors in common Fields, who are non-resident in the Town where such Fields are.*

*It is further enacted by the Authority aforesaid,* That such non-resident Proprietors of any Common Field, shall annually certify to the Clerk of said Common Field, under his or their Hands whom he or they have appointed and empowered to be his, or their Agent or Agents to act in his or their behalf, in all Affairs respecting his or their Interest therein : Which Agent or Agents shall certify to said Clerk, his or their Acceptance of said Trust ; and thereupon shall become obliged to do all the Duties, and attend the Orders of the Proprietors as fully as the resident Proprietors : by Law etc.

Non-residents to certify to the clerk, who they have appointed agent.

And if such non-resident Proprietors shall neglect or refuse to constitute their Agents, and certify, as aforesaid, the Fence-Viewers of the said Field, upon View of the common Fence thereof, and finding any Part of such non-resident Proprietor's Fence insufficient, shall notify the Clerk of said Field of the said Insufficiency under their Hands ; which Notification shall be deemed legal Warning to the aforesaid non-resident Proprietors, to take care to mend, and keep in Repair such Fence : And on failure thereof, the Fence-Viewers are directed, and empowered to take the same Method, and shall have the same Recompence ; to be recovered in the same Manner as is above provided in case of resident Proprietors Neglect, or Default:

On their refusal, the fence viewers to, &c.

*Always provided,* That if at any Time the Fence-Viewers shall repair any non-resident Proprietor's Fence, an Account of the Cost thereof shall be rendered to, and a Demand shall be made of such Clerk, (who shall make Entry *Provido*.

thereof) which shall be deemed as effectual as if presented to, and made of such non-resident Proprietor, or Proprietors.

*And whereas Damage is often done in Common Fields by those who inclose Lands within such Fields, through the Insufficiency of their Fences.*

Therefore,

Particular inclosures in common fields to be sufficiently fenced.

*Be it further enacted by the Authority aforesaid, That such Inclosure shall be sufficiently fenced for the securing of Beasts that shall be put into them for Pasture. To be viewed, and judged by some of the Fence-Viewers in the Town where such Field is, who are not Parties, or interested in the case. And if any Person shall put any Horses, Cattle, Sheep, or Swine to Pasture in any such particular Inclosure, which in the Judgment of the said Fence-Viewers is not sufficiently fenced for securing of the Creatures so put to Pasture, all such Creatures shall be as liable to be impounded as if they were loose in the open Field. And if such Creatures shall break out of such Inclosure, and be found Damage-feasant in the Common Field, the Owner of them shall pay Cost of POUNDAGE, and Damages as the Law in any case provides.*

To agree on the fees to be paid for impounded creatures.

*Be it further enacted by the Authority aforesaid, That the Proprietors of any common Field may, by their major Vote, computed as aforesaid, agree on the Fee to be paid by the Owner of any Horse, Horse-Kind, neat Cattle, or Sheep impounded out of such Common Field, and the Sum thus agreed on and voted in any lawful Meeting, shall be the lawful Fee, to be paid by the Owner of such impounded Creature. Always provided, it be not more than three Shillings for each Horse, Horse-Kind, and neat Cattle, and for all Sheep four Pence per Head.*

All the inhabitants in this state, to make and maintain sufficient fence.

*And for preventing Disputes about fencing particular Inclosures, and rendering the Improvement of them profitable to the Owners.*

*Be it further enacted by the Authority aforesaid, That all the Inhabitants in this State, shall make and maintain sufficient Fence, or Fences (agreeable to the Direction in this Act before given respecting what shall be deemed sufficient Fence) to secure their particular Fields, or Inclosures.*

Creatures found damage feasant to be impounded.

*And whatsoever Creatures shall be found Damage-feasant in such Inclosure, fenced as aforesaid, shall be liable to be impounded by the Owner of such Inclosure, or his Order: And the Owner of such Creature shall pay the Poundage and Damage. But whatsoever Damage shall be done by any Beast through the Insufficiency of the Fence of such Inclosure, shall not be recoverable, unless the Damage be done by Swine or Horses, suffered to go at large on the Common; or by unruly Cattle, which will not be restrained by ordinary Fences; or unless where any Person shall put his Cattle into, or otherwise voluntarily trespass upon his Neighbour's Ground: In all which cases, if the Party damnified find the Beasts doing Damage in his Inclosure, he may impound them and recover POUNDAGE and Damage; although his Fence be not sufficient according to Law.*

Fence viewers to be called to pass their judgment on fence.

*And whensoever any Fence-Viewers, on occasion of any Cattle or other Creatures being impounded as Damage-feasant, shall be called to pass their Judgment on the Fence inclosing the Land from whence such Creatures were impounded, that although said Fence be found in some Places not fully answerable to the Law, yet if they judge the Fence of such Inclosure to be as effectual against the Creatures impounded as a five-rail Fence or stone-wall four feet high, well erected would be; or if it be made to appear to the said Fence-Viewers, that the Creatures did not enter the enclosed Lands at the deficient Place: but over some Place which was sufficient, as aforesaid, then the said Fence-Viewers shall declare the Fence to be sufficient, any thing in this Act before contained to the contrary notwithstanding.*

*And if any Person shall fence any particular Field, or Inclosure, in setting of Posts and Rails, Boards, or Hedge-Fence, there shall be liberty*

for either Party, of twelve Inches from the dividend line, to break the Ground to set the Posts and Stakes in: But the Posts and Stakes shall be set in the dividend Line.

And for the making Stone-wall or other Fence, there shall be liberty of either Party bordering on each other, to set one Half of the width of such Stone-wall or other Fence, on each side of the dividend Line, provided it exceed not one Foot and a Half from said Line on the neighbours Land.

Stone-wall to be made one half on his neighbours land.

And there shall be a Liberty of four Feet allowed for a Ditch, from the dividend Line, (except in fencing House or home Lots, for either of the bordering Parties) where the proportion of Fence belongs to them respectively; provided the Party making the Ditch lay the Bank thereof upon his own Land.

4 feet in making ditches

And that when any Person, shall fence in, and improve any particular adjoining Fields or Inclosures in several, they shall make and maintain the dividend Fence equally between them; that is to say, one of them the one Half, and the other the other Half thereof.

Dividend fence how maintained

And if one Person shall improve before his Neighbour, and so make the whole of the Fence, and afterwards the adjoining Neighbour or Proprietor shall improve the adjoining Land by particular Inclosure, he shall purchase one Half of the dividend Fence, and maintain the same: And if the Parties do not agree to dividing or apprising the said dividend Fence, it shall be in the Power of the Person aggrieved, to call the Select-men of the Town or major Part of them, who shall divide and set out each and every Person or Persons, his or their Part of the said dividing Fence, in equal Proportion; and shall set a Price upon the Fence so set out to the Person or Persons last improving in several; to be paid to the Person or Persons who erected the same: An Account whereof under the Select-men's Hands shall be a sufficient Evidence for the Person or Persons who erected said Fence, to recover said Price so set, of the Person or Persons last improving, as aforesaid.

In case one person make the whole fence before his neighbour inclose any, how said person shall be reimbursed.

The like Method may be taken in dividing any dividend Line of Fence, between adjoining Proprietors of particular Inclosures, on the motion of either Party, where it shall so happen that the other Party refuses to divide the same: In dividing of which the Select men shall have regard to the better part of said Fence, (if any such there be) and set the same to him who erected the same, or holds under him who erected it; and the Charge thereof shall be paid by him who wilfully refused to make such division: For the recovery of which the Account thereof under the Select-men's Hands shall be a sufficient Evidence, as aforesaid.

The like method to be taken in other fences.

And all divisions of such Fence made as aforesaid, and recorded in the Town Records of the same Town in which it is made, shall be as effectual in Law, as though the same was made in Writing under the Hands of the Parties concerned.

Division of fence being recorded, &c.

And if any Person or Persons who ought to maintain any dividend Fence, shall neglect or refuse to keep in sufficient repair according to Law, all such Fence or Fences, set out as aforesaid; or divide according to the Agreement of the Parties concerned therein, appearing by Writing under their Hands, or other sufficient Evidence to shew the same, the Person aggrieved shall have Liberty and power, at his own Cost, to call the Fence-Viewers in the Town to view the same: Who if they find the same insufficient, or wanting, shall take the same method in order to get the same erected or repaired: And they, or the Person aggrieved, shall have the same allowance for erecting or repairing the same, if they, or either of them erect or repair it; and to be recovered in the same manner, with Cost of viewing the same, as is before provided in this Act in case of neglect to repair Fence in the Line of Common Field Fence.

Persons neglecting to keep dividend fence in repair.

Always provided, That if the Person aggrieved repair said insufficient Fence, the Value of such Reparation shall be appraised by the Fence Viewers.

Provided

Persons lay-  
ing open  
their fields,  
&c.

And if any Person shall afterwards lay open his Field or Inclosure, (which none shall do without three Months warning, on penalty of paying the Damages that his Neighbour shall sustain thereby) the other Party shall have liberty to buy the divided Fence, paying the then present Value thereof: To be set by two Men, to be chosen by either Party one; or in case of Non-agreement therein, by the Selectmen, or major part of them.

An Act for regulating Ferries.

Ferry men  
to be provid-  
ed with suf-  
ficient boats,  
oars, &c.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That every Person or Town that hath, or that hereafter shall have a Ferry or the Privilege of a Ferry; or Right of carrying Passengers; Teams, Horses or other Creatures, over any River, Creek, or other Place of Water in this State, shall at all Times be provided with a good tight Boat; sufficient both for Largeness, Strength, and Steadiness for the safe Transportation of Passengers and their Horses, and other Creatures: Well furnished with suitable Oars, and other Implements necessary for that Service, and Men sufficient to manage the same.

To be of ap-  
proved dis-  
cretion.

And none shall be employed as Ferry-men but such as are of approved Discretion; strong, and able-bodied; well skilled in rowing, and managing said Service.

Select men  
to take care  
in this affair.

And the Select-men of the Town where such Passage is, or such Privilege is granted, are hereby required and empowered to take effectual Care that this Order, in all the Parts of it, be duly attended by all the Owners of Ferries.

Ferry-men  
to have the  
sole liberty  
of transport-  
ing travel-  
lers.

That ever keeper of a Ferry shall have the sole Liberty of the Transportation of Passengers and their Horses, from the Place where such Ferry is granted, to any other Ferry-Place, or usual Place of Landing. And no Ferry-man that shall land Passengers at any other Ferry-Place, may take Passengers from thence, if the Ferry-Boat of that Place, be ready.

Provide,

Provided, this Order shall not hinder any Persons that use, or have occasion to pass in their own or their Neighbours Boats or Canoes, to their own Business and Labour from passing accordingly.

*And for the speedy Transportation of Passengers.*

Hours of at-  
tendance.

Every Ferry-man employed in the respective Ferry-Boats in this State, shall give constant and diligent Attendance on that Business from Sun-rise until nine of the Clock at Night, from the first of April to the first of October; and until eight of the Clock at Night from the first of October to the first of April annually: And shall not deny or delay the speedy carrying over of any Passenger or Passengers according to the true intent and meaning hereof, on pain that every such Ferry-man upon conviction before any one Assistant or Justice of the Peace, of the neglect of his Duty, in not crossing said Ferries within the Time limited as aforesaid, shall forfeit and pay the Sum of ten Shillings: One Half to the Informer or Complainant, who shall prosecute the same, and the other Half to the Treasurer of the Town where such Ferry is kept.

Ferry-men  
being prose-  
cuted may  
be restrain-  
ed, &c.

Which Offenders may be restrained till they pay said Sum, and Costs of Prosecution: Which Prosecution and Conviction may be forthwith had, as in Cases of Delinquency.

Provide.

Provided nevertheless, That no Ferry-man shall be obliged to put off from their respective Shores or Wharves, and pass the said Ferries when it manifestly appears to be hazardous for them so to do, by reason of any Storm, Tempest or Ice.

Owners of  
ferries to  
keep good  
wharves,

That all the Owners of Ferries shall keep and maintain good Wharves, or Places of Landing, where they are wanted, upon Penalty of forfeiting such Sum as the County Court of that County in which such Wharf shall be wanted, upon Complaint to them made, shall determine to be sufficient

to make, or repair such Wharf, or convenient Landing; Which Forfeiture shall be for that use; and be by Order of such Court laid out therefor accordingly.

That the Person, or Persons that are, or from Time to Time shall be employed for keeping the Ferry between *New-London* and *Groton*, called *New-London Ferry*, shall constantly maintain a Boat, or Boats, in good Repair, furnished, as aforesaid, suitable for said Ferry, on each Side the Water.

Boats to be kept both sides New-London river

*And for preventing of Danger in, and for regulating the passing of common Ferries,*

*It is further enacted by the Authority aforesaid,* That no Ferry-Man shall carry any Passenger over the Water in any Boat that is not sufficient, according to this Act, upon Penalty of forfeiting such Boat, or the Value thereof: One Moiety to the State Treasury; and the other Moiety to the Informer.

Boats to be sufficient, &c.

And every Ferry-Man that shall not provide sufficient Oars, and other necessary Implements: And also such Man, or Men, as the Condition of the Passage shall require, qualified according to this Act, as before expressed, for the safe, and speedy Passage of Travellers, shall for every Default therein, incur such Penalty as the County Court of that County wherein such Ferry is, (upon Complaint to them made) shall see cause to impose upon him.

Penalty,

*Provided,* The Penalty for one Default shall not exceed the Sum of *Three Pounds*.

Provide.

That no Person shall press, or enter into any Ferry-boat, or other Ferry-vessel, contrary to the Will of the Ferry-man, or the major Part of the Passengers first entered, upon pain of forfeiting the Sum of *Six-shillings* for every such Attempt.

6s. penalty for pressing into ferry-boat without consent, &c.

And that every Ferry-man that shall permit, or allow any Person to enter into his Boat, or other Ferry-Vessel, against the will of any Assistant, Justice of the Peace, or Representative of the General Assembly; or any of the Elders of the Churches; or the major Part of the Passengers before shipped, or entered into said Boat, or Vessel, shall forfeit for every Person so admitted, or received against their Will so declared, the Sum of *Ten shillings*.

Penalty on ferry-men for permitting, &c.

And every Ferry-man shall have Power to keep, or put out of his Boat every Person that shall press, enter into, or stay in his Ferry-boat contrary to his order.

That all Persons shall be received into such Ferry-boats according to their coming first, or last, to such Ferry; only all public Officers, and such as go upon public and urgent Occasions; as Posts, Physicians, Surgeons and Midwives shall be transported first, or with the first.

Order of receiving passengers.

And that all the Fares of all the Ferries in this State shall be stated only by the General Assembly: And the Fare being published according to Law, shall be the only Fare that any Ferry-man shall take for carrying over Passengers, Horses or other Creatures. And every Ferry-man that shall Demand and take more than the Fare so stated, shall forfeit the Sum of *Twenty shillings*: One Moiety to the Treasurer of the State, and the other Moiety to be divided between the Informer, and the Person injured. In the Trial whereof no Appeal shall be allowed.

Fares to be stated, &c.

Penalty,

*And be it further enacted by the Authority aforesaid,* That the Fares of the several Ferries in this State, shall be as follows, *Viz.*

	Man, Horse & Load.	Foot- Man.	Led Horse.	Ox, or other neat Kine.	Sheep, Swine or Goats.
<i>New-London Ferry,</i>	Six-pence	Two-pence	Four-pence	Six-pence	3 farthings
<i>Hurlbut's Ferry,</i>	Three-pence	3 farthings	1d. farthing	Three-pence	1 farthing
<i>Hall's Ditto</i> at <i>Norwich,</i> }	Two-pence	3 farthings	1d. farthing	Three-pence	1 farthing
<i>Ditto at Sbetucket,</i>	Two-pence	3 farthings	1d. farthing	Three-pence	1 farthing
<i>Niantick Ferry,</i>	One-penny	2 farthings	3 farthings	One penny	1 farthing
<i>Say-Brook do. from</i> 1st Oct. to 1st April.)	Eight-pence	Three-pence	Six-pence	Eight-pence	One penny
<i>From 1st April to</i> 1st October.)	Six-pence	Two-pence	Four-pence	Six-pence	3 farthings
<i>Brockway's Ditto,</i>	Two-pence	3 farthings	1d. farthing	Three-pence	1 farthing
<i>Warner's Ditto.</i>	Three-pence	One-penny	1d. half penny	Two-pence	half-penny
<i>Chapman's Ditto.</i>	Two-pence	3 farthings	1d. farthing	Three-pence	1 farthing
<i>East-Haddam Ditto</i>	Two-pence	3 farthings	1d. farthing	Three-pence	1 farthing
<i>Middletown Ditto,</i>	Three-pence	3 farthings	1d. farthing	Three-pence	1 farthing
<i>Rocky-Hill Ditto,</i>	Two-pence	3 farthings	1d. farthing	Three-pence	1 farthing
<i>Glastenbury Ditto,</i>	Two-pence	3 farthings	1d. farthing	Three-pence	1 farthing
<i>Keney's Ditto,</i>	2d. farthing	3 farthings	1d. farthing	Three-pence	1 farthing
<i>Hartford Ditto.</i>	1d. half penny	one half penny	One-penny	2d. farthing	1 farthing
<i>Wolcott's Ditto</i> over great riv. }	Two-pence	3 farthings	1d. farthing	Three-pence	1 farthing
<i>Rivolet,</i>	One farthing	half farthing	One farthing	3 farthings	half-farthing
<i>Windsor Ditto,</i> at <i>Scantick,</i> }	Two-pence	3 farthings	1d. farthing	Three-pence	1 farthing
<i>Suffield Ditto,</i>	Two-pence	3 farthings	1d. farthing	Three-pence	1 farthing
<i>New-Haven Up-</i> per Ferry, }	Two-pence	3 farthings	1d. farthing	Three-pence	1 farthing
<i>Ditto, Lower Do.)</i> from 1st Oct. to 1st April.)	Eight-pence	Three-pence	Six-pence	Eight-pence	One penny
<i>From 1st April to</i> 1st October.)	Six-pence	Two-pence	Four-pence	Six-pence	3 farthings
<i>Stratford Ditto,</i>	Four-pence	Two-pence	Three-pence	Six-pence	One penny
<i>Derby Ditto,</i>	2d. half penny	3 farthings	1d. farthing	Three-pence	1 farthing
<i>New-Town Do.</i> <i>Potatuck,</i> )	Two-pence	3 farthings	1d. farthing	Three-pence	1 farthing
<i>Kenzels</i>	Three-pence	3 farthings	1d. farthing	Three-pence	1 farthing
<i>Stratford at the</i> <i>Narrows,</i> }	Two-pence	3 farthings	1d. farthing	Three-pence	1 farthing
<i>Chicbester's at</i> <i>Cornwall,</i> }	One-penny	one half penny	3 farthings	One-penny	1 farthing
<i>Desborough's at the</i> <i>Narrows over</i> <i>Sagatack-River,</i> )	2d. half penny	One penny	1d. half penny	3d. half penny	half-penny
<i>Packer's at Mistick,</i>	Two-pence	3 farthings	1d. farthing	Two-pence	1 farthing

And the Fare for every two-wheel Carriage, with one Man and Draft-horse, shall be double; and for every four-wheel Carriage, one Man and Draft-horse, treble the Fare for a Man, Horse and Load, as stated above; and for every additional Person, or Horse or other Beast, the same as stated above.

*And be it further enacted by the Authority aforesaid, That the Ferry-men, Ferry-men*  
or Tenders of the Ferries at *New-London, Say-Brook, New-Haven Lower-*  
*Perry, Hartford, Stratford,* and all other Ferries in this State, where two Attendance,  
Boats are by Act of the General Assembly required to be kept, shall carefully and not suf-  
and diligently attend to the conveniency of Passengers: And to that End they fer both  
shall not suffer both the Boats to lie at the same Time on one Side of the Fer- one side at  
ry; but as soon as one Boat has crossed such Ferry, the other Boat shall immedi- the same  
ately put off and go to the other Side, whether there be any Passengers ready time.  
to go over or not, unless the other Boat shall immediately return. And when  
any Passengers are waiting on either Side of the Ferry after the Boat on that  
Side is put off, the other Ferry-man shall immediately put off with his Boat, to Fare to be-  
carry over the Passengers. And the Fare for carrying over any Passengers long to the  
shall belong to the Ferry-man in whose Boat they pass, unless the Owners of the boat that  
Boats agree otherwise. And if any such Ferry-man or Ferry-men, shall ne- comes, un-  
glect to conform to the true intent and meaning of this Act, he or they, for less, &c.  
every such Offence or Neglect, shall forfeit and pay the Sum of *Twenty Shil-* Penalty.  
*lings*, to be recovered in the same Way, and to the same Use as the other Penal-  
ties in this Act.

That no Sloop or other Vessel, shall pass through the Rope-Ferry in *New-* Restrictions  
*London*, either up or down the River, from six o'Clock in the Afternoon to six on vessels  
o'Clock in the Morning, between the first of *October* and the first of *March*; passing *New-*  
nor from nine o'Clock in the Evening until five o'Clock in the Morning, be- *London*  
tween the first of *March* and the first of *October* (in any Year), without giving *Rope-ferry.*  
Notice to the Ferry-man one Hour at least, before such Vessel shall attempt to  
pass through said Ferry. And every Master or Commander of any Vessel, who  
shall be guilty of a Breach of this Act, shall for every such Offence, pay a Fine  
of *Forty Shillings*; one Half to the Owner of said Ferry, and the other Half to  
the Treasury of the Town of *New-London*.

### An Act for enjoining an Oath of Fidelity to this State.

**B**E it enacted by the Governor, Council and Representatives, in General Court All officers,  
*assembled, and by the Authority of the same,* That all Members of the Ge- &c. to take  
neral Assembly, and all Officers, Civil and Military, and Freemen of this State, the oath.  
shall take the Oath of Fidelity to this State prescribed by Law.

*And be it further enacted by the Authority aforesaid, That no Person shall* Not taking  
execute any Office, Civil or Military, nor vote in any Town, Society, or the oath, a  
other public Meeting appointed by Law, nor plead in any Court (except in his disqualifica-  
own Case) nor any Male Person act as Executor or Administrator, or Guardian tion, &c.  
to any Minor, until he shall have taken the Oath aforesaid.

And it shall be the Duty of the Authority administering said Oath, to give a Certificate  
Certificate thereof if requested. to be given.

### An Act concerning the Payment and Disposition of Fines, Fees, and Penalties.

**B**E it enacted by the Governor, Council, and Representatives, in General Court  
*assembled, and by the Authority of the same,* That every Person that shall  
at any Time be fined for the Breach of any penal Law, or for other just Cause, Fines, &c.  
shall forthwith pay the Fine or Penalty imposed upon him, or give in good and to be paid  
sufficient Security speedily to do the same; or shall be imprisoned, or bound down, &c.  
out, and kept in Service or Labour till it be paid.

Warrants to And the Warrants or Distresses for levying of all Fines and Penalties, shall  
issue in one be sent out within one Year after the Conviction of the Delinquent.  
year.

Fees, Fines, That all Fees paid for Trial of any Matter or Cause in the General Court,  
&c. in the and in the Superior Court, (the Secretary's and Clerk's Fees excepted) and  
sup. court, all Fines, Forfeitures, and Penalties imposed on any Person or Persons by  
belong to the either of the said Courts, for any Matter of Delinquency, shall be, and belong  
State treasury to the State Treasury, for the defraying the public Charges of the State.

In the coun- And all Fees paid for the Trial of any Matter or Cause in the respective  
ty court, to County Courts in this State, (the Clerk's Fees excepted) and all Forfeitures,  
the county Fines, and Penalties imposed on any Person or Persons for any Matter of  
treasury. Delinquency by any of the said County Courts, shall be, and belong to the  
Treasuries of the said several County Courts, to defray the Charges of the  
County Courts, and other County Charge.

Before justi- And all such Fines, Forfeitures, and Penalties as shall by the Judgment of  
ces court, to any Assistant, or Justice of the Peace, be imposed on any Person or Persons for  
the town any Matter of Delinquency, shall be and belong to the Treasury of the Town  
treasury. where such Judgment is given.

Unless other- *Always provided*, That where any such Fines, Forfeitures, or Penalties are or  
wise special- shall be otherwise ordered by any express Law of the State, they shall be dis-  
ly ordered. posed of according to the Order of such Law; any Thing before in this Act  
to the contrary notwithstanding.

### An Act for encouraging and regulating Fisheries:

Vessels and **B**E is enacted by the Governor, Council and Representatives, in General Court  
men em- assembled, and by the Authority of the same, That all Vessels owned in  
ployed in this State, and employed in either the Whale or Cod Fisheries, for the Term  
whale-fish- of four Months in a Year, shall be exempted from being set in the public List,  
ery, exempt and freed from Taxes in each Year wherein they shall be so employed in either  
from taxes, of said Fisheries: And all Inhabitants of this State, who shall be employed  
&c. four Months in a Year, on board any Vessels in said Fisheries, and owned in  
this State, shall be exempted from having their Heads set in the List in each  
Year wherein they shall be so employed in said Business; and shall also be  
exempted from working at High-Ways, during each Year in which they shall  
be so employed.

Towns ena- And be it further enacted by the Authority aforesaid, That any Town in this  
bled to regu- State shall have Authority, in Town Meeting, to make Rules and Ordinances  
late clams for regulating the Fisheries of Clams and Oysters, within their respective Li-  
and oysters. mits, or the Waters and Flats to them adjoining and belonging, and for pre-  
servation of the same; and to impose such Penalties as shall be thought proper  
by such Towns, for the Breach of such Rules and Ordinances, *Provided*;  
That no such Penalty shall exceed the Sum of five Pounds, lawful Money.

No obstruc- And be it further enacted by the Authority aforesaid, That no Wares, Hedges,  
tions to be Fish-Garths or other Obstructions or Incumbrances, shall be set, erected or  
set in rivers, made, on or a-croſs Quinabaug-River, Shutucket-River, Windsor-Ferry-River,  
&c. Ousatannick-River, Selden's-Cove, or the Eight-Mile-River in Lyme, nor on  
or a-croſs any of the Streams that empty themselves into any of the said Rivers;  
or on or a-croſs Sumner's-Creek in Middletown, to the stopping or obstructing  
the natural or usual Course and Passage of Fish in their Seasons, in or up any  
of the said Rivers, Streams, Coves or Creeks; and whoever shall be guilty of  
making or erecting any such Obstruction in any of the Rivers, Streams, Creeks  
or Coves aforesaid, whereby the natural and usual Passage of the Fish in the

Spring, or proper Seasons of the Year, is disturbed or prevented, on Conviction thereof before the County Court, shall pay a Fine of *Ten Pounds*, to any Person who shall sue for, and prosecute the same to Effect; and the said Court may order such Obstruction to be removed at the Cost of the Person or Persons who erected the same. And the same shall be deemed a common Nuisance, and any Person may remove the same as such.

*Provided*, That no Person shall remove any Mill-Dam, until the same hath been adjudged to be a Nuisance, and ordered to be removed by the Superior or County Court. Proviso.

That no Person shall keep up any Dam or Dams on *Pawcatuck-River*, within this State, without leaving an open free Passage for the Fish through each Dam, at least fifteen Feet wide, from the Bottom, and keep the same open during the Months of *March, April and May*, in each Year: Nor shall any Person in the aforesaid Months, erect or keep up any Ware in said River, on Penalty of forfeiting *Five Pounds*; to any Person who shall sue for and recover the same. Open passages to be left in dams on Pawcatuck-River, &c.

And the Inhabitants of the Town of *Stonington*, are hereby authorized to choose three Freeholders at their annual Town Meetings, who shall have Liberty to inspect the Dams or Wares that are or shall be erected or made across said *Pawcatuck-River*, and shall have Power to open said Dams or Wares fifteen Feet wide, during said three Months, in each Year; any Thing before in this Act to the contrary notwithstanding. Freeholders appointed to inspect, &c.

*And whereas the continual Interruption of the Course and Passage of the Fish by the Rivers, by the daily drawing of Seins and other Fish-Craft, tends to prevent their Increase, and occasions a great mispence of Time, and also prevents the People who live near the different Parts of such Rivers from sharing the Benefits of the Fisheries, so equally as they might otherwise do: To the Injury of the Public.*

Be it further enacted by the Authority aforesaid, That no Person or Persons shall draw any Sein or other Fish-Craft, in any of the Rivers before mentioned in this Act, except between the setting of the Sun on *Monday Evening*, and the Sun's rising on *Saturday Morning*, in each Week in the Months of *April, May and June*, annually, on Penalty of forfeiting *Ten Pounds*, for the use of him who shall sue for, and prosecute the same to Effect. No seine, &c. to be drawn except in Dec.

That where any Person or Persons have been at the Expence of clearing any Fishing-Place or Places in *Quinnipiac-River*, between the Mouth thereof and *Levin's-Ferry*, and have constantly used the same for taking Fish in the Seasons thereof; he or they shall be established in the full, free and peaceable Enjoyment thereof, so long as they continue constantly to use the same, in the Seasons, and for the Purpose aforesaid, and not liable to any Action for Damages, below high-water Mark. Persons clearing fishing places, &c. to be established therein, &c.

That no Person shall use any Bush-Sein in said *Quinnipiac-River*, or in any way obstruct, incumber, or impede the drawing of Seins or taking of Fish in any of the Fishing-Places cleared as aforesaid, either by selling Trees, or Selling Logs, or other Incumbrances therein, or in any other Manner whatsoever, on Penalty of *Twenty Pounds* for every such Offence; one Half to the Person who shall sue for, and prosecute the same to Effect, and the other Half to the Treasury of the County where the Conviction is had. Not to obstruct, &c.

*And whereas the obstructing of the Passage of the Fish into Connecticut-River, is a public Damage;*

Be it enacted by the Authority aforesaid, That no Person shall set or draw any Sein for the purpose of catching Fish, between the fifteenth Day of *March*, and the fifteenth Day of *June*, in any Year, South of an East and West Line from *Say-Brook-Fort*, so called, within one Mile and an Half East and West, on each Side of the Mouth of said River, except in the Set times for fishing, &c.

except, &c. Coves called and known by the Name of *Lynde's-Cove*, and *Gripwold's-Cove*, and except the Proprietors of the Lands on each Side of said River, known by the Name of *Eastern-Point*, and *Lynde's-Point*, who shall have exclusive Right to draw or use two Seins, at Discretion, within the aforesaid Limits, in the Waters, adjoining their own Lands, from Monday Morning at Sun-rise until Sun-set on Friday Evening, in each Week, and no more; and neither of said Seins shall be of greater Length than Twenty-five Rods. And every Person that shall be convicted of any Breach of this Paragraph of this Act, shall pay a Fine of *Ten Pounds*; one Half to the Prosecutor, and the other Half to the Treasury of the County; and shall also forfeit the Sein, Ropes and other Utensils used for catching Fish contrary to this Act.

Persons first making wares on flats, not to be interrupted, &c. That whoever shall first make a Ware for catching Fish on any Flats, or within any River, Cove, Creek or Harbour within this State, shall not be interrupted by any other's setting or making a Ware on the same Flat; or in the Way or Course of the Fish coming or passing to the said Ware first built, nearer than three-quarters of a Mile; without Liberty from the County Court; and the Ware so set up contrary to this Act, shall be a common Nuisance, and any Person may remove the same as such.

Selden's fishery, &c. That no Person shall set or draw any Sein, or otherwise obstruct the Course of the Fish, into or up *Selden's-Creek* in *Lyme*, within forty Rods eastward of the Mouth of said Creek, on the Great River, or within sixty Rods within said Creek, or at any Place below the Homock, on Penalty of forfeiting *Ten Pounds* to the Prosecutor. *Provided nevertheless*, That the Proprietors of the Homock may as all Seasons fish at that Place; and the Proprietors of Land adjoining said Creek below the Homock, not within sixty Rods of the Mouth of the Creek, may fish on their own Lands upon the tide of Ebb only, after the eighteenth Day of *May* annually.

Informing officers to present, &c. And it shall be the Duty of the Informing Officers to enquire, and present to lawful Authority, all Breaches of this Act; and in that Case the Penalties shall belong to the Treasury of the County where the Conviction is had.

### An Act directing Proceedings against forceable Entry and Detainer.

On complaint made to an assistant, &c. of forceable entry, &c. **B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That upon Complaint made to any One or more Assistants or Justices of the Peace, of any forceable Entry made into any House, Lands, Tenements, or other Possessions lying within the County where such Assistant or Assistants, Justice or Justices dwell or reside; or of any wrongful Detainer of any such House, Lands, Tenements, or other Possessions by Force and strong Hand: That is to say, by, or with such violent Words or Actions as have a natural Tendency to affright and terrify: Every such Assistant or Assistants, Justice or Justices within convenient Time, at the Cost of the Party grieved, shall go to the Place where the said Force is; taking with him or them the Sheriff of the County, or his Deputy, and other sufficient Power of the Town, or County, (if need be) to aid and assist said Authority: And all the People of the County, as well the Sheriff as others shall be attending the said Assistant or Assistants, Justice or Justices to assist him or them to arrest such Offenders, when thereunto called, upon Pain of Imprisonment, and of paying a Fine of *Twenty Shillings*, to the Treasury of the County.

Complaint being made to two justices, &c. And that two Assistants or two Justices, *Quorum Unus*, or one Assistant and one Justice, shall have Authority to enquire, by the Oaths of the People of the same County, as well of them that make such forceable Entry into Houses, Lands, Tenements or other Possessions; as of them who hold and detain the same by Force and strong Hand.

Forceable Entry.

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And if it be found on such Enquiry, that a forceable Entry hath been made into Houses, Lands, Tenements or other Possessions; or that the same are held with Force, then such Assistants or Justices shall cause the same House, Lands, Tenements, or Possessions to be re-seized, and the Party to be again put into the Possession thereof, who in such Manner was put, or held out of the same.

And in such Cases where the Nature of the Facts are Cognizable before such Authority, the said Authority shall also Tax Bills of Cost against such Persons as before them shall be Convicted of Forceable Entry or Detainer.

And in Case the Person complained of is found not guilty, shall tax Cost against the Complainant, and grant Execution thereon accordingly.

*And to the End that Enquiry may be made as aforesaid.*

Be it further enabled by the Authority aforesaid, That such Assistants or Justices shall make out their Warrants or Precepts directed to the Sheriff of the same County, or his Deputy, commanding him on behalf of the State, to cause to come before them eighteen sufficient and indifferent Persons, dwelling near unto the House, Lands, Tenements or other Possessions so entered upon, or held as aforesaid; whereof Fourteen (at least) shall be impanelled to enquire in that Behalf; each of whom shall have a freehold Estate rated in the common List at Fifty Shillings at the least, who shall be sworn by such Assistants or Justices, well and truly to enquire of such forceable Entry, or forceable Detainer; and to return a true Verdict according to their Evidence.

And if the Sheriff shall make Default in not duly executing such Warrant or Precept to him directed, he shall be fined or amerced the Sum of Five Pounds for every Default.

And every Juror legally summoned making his Default by Non-appearance, shall pay a Fine of Ten Shillings.

That when it shall so happen that the Sheriff is either a Party, or stands in the Relation of Father or Son, by Nature or Marriage, or of a Brother in the like Kind: Uncle or Nephew; Landlord or Tenant to either of the Parties; either of the Constables of the Town where the Facts are said to be done, not being interested or related as aforesaid, shall have in those Cases all the Powers and Authorities that the Sheriffs in this Act above are vested with; and shall be under the same Regulations, and in case of Default under the same Penalties.

And that any Assistant or Assistants, Justice or Justices holding such Court of Enquiry, may impose a Fine on every Offender committing such Force, not exceeding the Sum of Twenty Shillings; and bind him or them to the good Behaviour, and commit such Offender or Offenders to Prison till he or they pay such Fine, and find Sureties for his or their good Behaviour till the next County Court in that County, and then to appear: And if the Offence be aggravated by any open or high handed Breach of Peace or otherwise, they may bind the Offenders over to appear at the next County Court in the same County, to answer for the same, who may increase the Fine according to the Aggravation or Circumstances of the Offence.

All Fines arising by Virtue of this Act, to be to, and for the Use of the County Treasury.

And the Party grieved shall recover treble Damages, and Costs of Suit, by Action or Trespass against the Defendant or Defendants, if it be found by Verdict, or in any other Manner by due Form of Law, that he or they entered into his House, Lands, Tenements or other Possessions by Force, or after Entry held the same by Force.

Provided always, That this Act shall not extend to any Person or Persons who have had the Occupation, or have been in the quiet Possession of any House, Lands, Tenements or other Possessions for the space of three

18 persons to be summoned to make enquiry, &c.

Sheriff to be fined &c. on his default.

And Jurors 20s. on theirs.

Sheriff being a party or a relative, a constable to have his power.

Assistants or justices to impose a fine of 20s. bind to good behaviour, or imprison offenders.

All said fines to the county treasury.

Party grieved to recover treble damages.

82 Foreigners, infidious, &c. Foreigners, rights secured.

whole Years together next before ; and his, her or their Estate or Estates there-  
is not ended or determined ; any Thing to the contrary before in this Act in  
any wise notwithstanding.

An Act to prevent Foreigners carrying on infidious Designs or  
Practices in this State.

Foreigners  
found strag-  
gling about,  
and endea-  
vouring to  
corrupt, &c.

or ships, &c.  
spying out  
our coasts, &c.

how to be  
proceeded a-  
gainst.

**B**E it enacted by the Governor, Council and Representatives, in General Court  
assembled, and by the Authority of the same, That if any Foreigner shall  
be found travelling or straggling about in this State, endeavouring to corrupt the  
Indians or others, with false, dangerous and seditious Principles ; or to search or  
spy out the Country ; or if they are suspected to be carrying on any such evil  
Designs : And if any foreign Ships or Vessels shall come to spy out our Coasts,  
or in some clandestine Manner to carry on illicit Trade ; or shall appear under  
such Circumstances as to be justly suspected thereof ; such Foreigners carrying  
on, or suspected to be carrying on any such Practices ; and the Captains, Mas-  
ters, Officers or Seamen belonging to such foreign Ship or Vessel, may be ap-  
prehended by Order or Warrant from any Assistant or Justice of the Peace ; or  
if the necessity of the Case require it, by any Sheriff or Constable without a  
Warrant, and brought before an Assistant and two Justices of the Peace, *Quorum*  
*unus* ; and in Case no Assistant or Justice of the *Quorum* shall live within ten  
Miles of the Place where such suspected Person or Persons shall be arrested, then  
he or they may be brought before any three Justices of that County, who are  
hereby empowered and directed to examine him or them concerning the Mat-  
ters aforesaid ; and upon his or their appearing to be guilty of any of the Crimes  
aforesaid, or justly suspected to be a dangerous Person or Persons, such Authori-  
ty are hereby authorized to take such Methods, and give such Orders concerning  
such Person or Persons, as effectually to prevent the Dangers and Mischiefs  
that might otherwise arise from such Foreigners and suspected Persons, and se-  
cure the Interest of this State,

And if diffi-  
culties arise  
upon enquiry  
to be refer-  
red to the  
governor, &c.

And if upon such Enquiry, the said Authority shall find the Matters to be at-  
tended with great Difficulties, and judge it necessary, they shall transmit the  
Case with the Examination and Evidences relating thereto, to the Governor  
or Commander in Chief, whose Orders and Directions therein they shall ob-  
serve for the Purposes aforesaid.

Foreigners  
like to be  
come  
chargeable,  
may be  
transported,  
&c. when,  
&c.

And any Foreigner residing in this State, who may be likely to become  
chargeable to the State, or who is of an immoral and vicious Character, may by  
order of the County Court, or an Assistant and Justice of the Peace, or two  
Justices *Quorum unus*, be transported to the Place of his legal Settlement, or to  
some Place within the Jurisdiction of the State or Nation to which he belongs,  
whenever such Authority shall judge it expedient, and that the Expence will  
not exceed the Advantages of such Transportation ; which Expence shall be  
paid out of the State Treasury, if the Person to be transported is unable to pay  
the same.

An Act for securing to Foreigners in this State, their Rights,  
according to the Laws of Nations, and to prevent any In-  
fractions of said Laws.

**B**E it enacted by the Governor, Council, and Representatives, in General Court  
assembled, and by the Authority of the same, That the Superior Court,  
and the several County Courts in this State (within their respective Li-  
mits) be, and they are hereby empowered and directed to proceed against

Foreigners, not to hold Land.

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and punish all such Persons as shall be guilty of the Violation of any Safe-conduct or Passport granted under the Authority of the Congress of the United States of America, or under the Authority of this State, to the Subjects of any foreign Power in Time of War. Violators of safe-guard, &c, to be punished.

And also against all such Persons as shall be guilty of the Commission of any Acts of Hostility against the Subjects of any Prince or Power in Amity, League, or Truce with the United States of America, or such as are within this State under a general implied Safe-Conduct, Acts of hostility, &c.

And also against all such as shall be guilty of any Violation or Infraction of the Immunities of Ambassadors, or other public Ministers, authorized and received as such by the United States in Congress assembled, or of any Violence offered to the Persons of such Ambassadors or Ministers, their Houses, Carriages or Property, under the Limitation allowed by the Laws and Usages of Nations, or that shall any Ways molest or disturb them in the free Exercise of their Religion. Ambassadors, &c.

And be it further enacted by the Authority aforesaid, That no Writ or Process shall at any Time issue, or be maintained against any such Ambassador or public Minister, authorized and received as aforesaid, or against his Goods or Chateaux, or against his domestic servant, whereby his Person may be arrested, in any Civil Action. No writ, &c. maintainable against ambassador, &c.

And be it further enacted by the Authority aforesaid, That the said Courts respectively be, and they are hereby authorized and impowered to hear, try and determine, by a Jury or otherwise (according to Law) any of the Matters aforesaid, or any other Infractions or Violations of, or Offences against the known, received and established Laws of civilized Nations, agreeable to the Laws of this State, or the Laws of Nations. Courts impowered to try, &c.

And be it further enacted by the Authority aforesaid, That if any Injury shall be offered and done by any Person or Persons whatsoever, to any foreign Power, or to the Subjects thereof, either in their Persons or Property, by Means whereof any Damage shall or may in any wise arise, happen or accrue, either to any such foreign Power, to the said United States, to this State, or to any particular Person; the Person or Persons offering or doing any such Injury, shall be liable to pay and answer all such Damages as shall be occasioned thereby. Injury against foreign powers, &c. to be redress'd.

An Act to prevent Foreigners or Aliens purchasing, or holding Lands in this State.

BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That no Person who is not a Citizen or Inhabitant of this State, or one of the United States of America, shall be capable of purchasing or holding any Lands within this State, without special Licence from the General Assembly. No alien may purchase lands, &c. without special licence.

Provided, That nothing in this Act shall be construed to work a forfeiture of any Lands that belonged to any Subject of the King of Great-Britain before the late War, or to prevent the Proprietor of such Lands from selling and disposing of the same to any Inhabitant of any of the United States: Nor to hinder the Subjects of the King of France from enjoying the Privileges and Benefits to which they are entitled by Virtue of the Treaty of Amity, made and ratified between his most Christian Majesty, and the United States of America. Provido.

An Act against Forgery.

Forgery  
how punish-  
ed.

**B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That if any Person or Persons shall willingly and falsely forge and make, or cause to be forged or made, or shall aid, abett, help or assist in the falsely forging and making any false Deed, Conveyance, Will, Testament, Bond, Bill, Receipt, Release, Acquittance, Letter of Attorney, or any other Writing to prevent Equity and Justice; such Person or Persons being thereof duly convicted, shall stand in the Pillory three several Lecture Days, or other Days of public Meeting; and render and pay to the Party or Parties injured thereby, double Damages, to be recovered by Action founded on this Statute; and shall also be rendered incapable, and be disabled to give any Evidence or Verdict in any Court, or before any Magistrate or Justice of the Peace.

An Act prescribing Forms of Writs, Processes, &c.

Forms of  
writs esta-  
blished.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the several Forms of Writs, Processes, &c. in Civil Causes, here, under-written, be, and they are hereby established to be the Forms to be used in this State, by the respective Officers therein, That is to say;

Summons  
before an  
assistant or  
justice.

Summons for Appearance before an Assistant or Justice of Peace.  
To the Sheriff of the County of H. his Deputy, or to either of the  
Constables of the Town of G. within said County, Greeting.  
**B**Y Authority of the State of Connecticut, you are hereby commanded to  
summon A. B. of G. aforesaid, to appear before me J. H. Esq. Justice  
of the Peace for the County aforesaid, at my Dwelling-House in H. on the  
Day of at of the Clock in the noon; then and there to answer  
to C. D. of W. in a Plea of Shillings,  
which is to the Damage of the said C. D. and he therefore brings this Suit. And of this Writ, with your Doings therein  
make true return to me, at or before the said Day of  
Date: at H. the Day of Annoque Domini,  
J. H.

Attachment before an Assistant or Justice of the Peace.

To the Sheriff, &c.

Attachment  
before an  
assistant or  
justice.

**B**Y Authority of the State of Connecticut, you are hereby commanded to  
attach the Goods or Estate of A. B. of F. aforesaid, to the Value of  
Pounds, and for want thereof to attach the Body of the said  
A. B. (if he may be found in your Precincts) and him safely keep, so that he  
may be had before me J. H. Esq. Justice of the Peace for the County aforesaid;  
at my Dwelling-House, &c. (sufficient Bond for Prosecution being given).  
Hereof fail not, and make due return of this Writ, with your Doings there-  
in, &c.

The like for Summons and Attachments to the County Courts, *Mutatis Mu-  
tandis*.

An Execution granted by an Assistant or Justice of Peace.

To the Sheriff of the County of H. &c.

Greeting.

Execution  
granted by  
assistant or  
justice.

**W**HEREAS C. D. of W. on the Day of before me, J. H.  
Esq. Justice of the Peace for the County aforesaid, recovered Judgment  
against A. B. of H. for the Sum of Shillings, Debt, (Damage)  
and for the Sum of Shillings, Costs of Suit, as appears of Record:  
Wherof Execution remains to be done.

**T**HESE are therefore, by Authority of the State of Connecticut, to com-  
mand you, That of the Money of the said A. B. or of his Goods or

Chattels within your Precincts, you cause to be levied, and (the same being disposed of as the Law directs) paid and satisfied unto the said C. D. the aforesaid Sums, being                      Pounds,                      Shillings, and                      Pence, in the Whole; and also that out of the said Monies, Goods or Chattels you levy one Shilling more for this Writ, together with your own Fees.

And for want of such Money, Goods or Chattels of the said A. B. to be by him shewn unto you, or found within your Precincts, for satisfying the aforesaid Sums you are hereby commanded to take the Body of the said A. B. and him commit unto the keeper of the Gaol in H. in the County aforesaid, within the said Prison; who is likewise hereby commanded to receive the said A. B. and him safely keep, until he pay unto the said C. D. the full Sums above-mentioned, and be by him released, and also satisfy your Fees. Hereof fail not, and make due Return of this Writ, with your Doings therein, unto me the said J. H. Esq. within sixty Days next coming.

Dated at H. this                      Day of &c.                      J. H.

Execution out of the Superior Court and County Courts, respectively.

To the Sheriff of the County of H. &c.                      Greeting.

*WHEREAS C. D. of W. recovered Judgment against A. B. of F. before the Court, holden at H. within the County aforesaid, on the Tuesday for the Sum of                      Pounds, Debt, (Damage) and                      Pounds Shillings Pence Costs of Suit, as appears of Record: whereof Execution remains to be done.*

**T**HESSE are therefore, by the Authority of the State of Connecticut, to command you, That of the Goods, Chattels or Lands of the said A. B. within your Precincts, you cause to be levied (and the same being disposed of, or appraised as the Law directs) paid and satisfied unto the said C. D. the aforesaid Sums being                      Pounds                      Shillings and                      Pence in the Whole; with                      Shillings                      more for this Writ, and thereof also to satisfy yourself for your own Fees. And for want of such Goods, Chattels or Lands of the said A. B. to be by him shewn unto you, or found within your Precincts, to the acceptance of the said C. D. for satisfying the aforesaid Sums, you are hereby commanded to take the Body of the said A. B. and him commit unto the keeper of the Goal in H. in the County aforesaid, within the said Prison; who is likewise hereby commanded to receive the said A. B. and him safely to keep until he pay unto the said C. D. the full Sums above-mentioned, and be by him released, and also satisfy your Fees. Hereof fail not, and make due return of this Writ, with your Doings therein, unto the said                      Court to be holden at                      upon the                      Tuesday of next. Dated at H. &c.                      B. K. Clerk.

Execution from superior or county court.

Summons or Sub-pœnas for Witnesses.

To A. B. and C. D. &c.

**B**y Authority of the State of Connecticut, you are hereby commanded to appear before the                      Court                      to be holden at F. on the Tuesday of                      to testify what you know in a certain Action now depending in the said Court, between E. F. of H. Plaintiff, and G. H. of M. Defendant; in an Action of                      Hereof fail not, under the Penalty of the Law in that Case provided. Dated at H. &c.

Summons for witnesses.

D. E. Clerk.

A Warrant of Replevin before the County Court.

To the Sheriff of F. &c.

Greeting.

**B**y Authority of the State of Connecticut, you are hereby commanded, justly, and without delay, to cause to be replevied to T. C. of S. his Beasts, viz.                      now distrained or impounded by S. H. of N. and by him unjustly detained, as it is said                      and you are to summon the

Replevin.

said S. H. to appear before the next County Court to be held at F. in and for the said County, on the *Tuesday* of next; then and there to answer unto the said T. C. in a Plea of Trespafs, wherein the said T. C. complains, that the said S. H. the *Day of &c* at M. in a certain Place called *&c.* took the said Beasts, That is to say, and them unjustly impounded and detained as aforesaid, until this Time; which is to the Damage of the said T. C. as he saith, the Sum of Pounds, and therefore he brings this Suit, &c. (the said T. C. having given sufficient Bond to prosecute this Action to Effect, and satisfy such Damages, Demands and Dues as the adverse Party shall recover against him.) Hereof fail not, and make true return of this Writ, with your Doings therein, &c.

Dated: &c.  
J. H. Justice of Peace.

The like for a Writ of Replevin before an Assistant or Justice, *Migatis Mutandis*.  
Bond for Prosecution:

Bond for prosecution.

**Y**OU C. S. and E. C. of H. acknowledge yourselves jointly and severally bound to J. L. of in a Recognizance of Pounds, That T. R. of W. shall prosecute the Attachment or Replevin he hath now taken out against the said J. L. at the next County Court to be holden at H. on the *Tuesday* of next, to full Effect; and answer all Cost and Damages in Case he make not his Plea good. Taken and acknowledged in H. the *Day of, &c.* Before me,

J. W. Justice of Peace.

A Warrant for collecting Rates.

To A. B. Collector of the Town Rate of the Town of, &c. Greeting.

Warrant for collecting town rates.

**B**Y Authority of the State of Connecticut, you are hereby commanded forthwith to levy and collect of the Persons named in the annexed List; herewith committed to you, each one his several Proportion, as therein set down, of the Sum total of such List; being a Tax or Assessment granted and agreed upon by the Inhabitants of the said Town of, &c. regularly assembled on the *Day of* for defraying of the necessary Charges arising within the same; and to deliver and pay the Sum and Sums which you shall so levy and collect, unto the Treasurer of the said Town, (or to C. D. being by said Town appointed to receive the same) at or before the *Day of*. And if any Person or Persons shall neglect or refuse to make Payment of the Sum or Sums whereat he or they are respectively assessed, and set in the said List, to distrain the Goods or Chattels of such Person or Persons, and the same dispose of as the Law directs; returning the Overplus (if any be) unto the Owner or Owners. And for Want of Goods and Chattels, wherewith to make Distress, you are to take the Body or Bodies of the Person or Persons so refusing, and him or them commit unto the Keeper of the Goal of the said County, within the said Prison; who is hereby commanded to receive and safely keep him or them, until he or they pay and satisfy the said Sum or Sums assessed upon him or them as aforesaid, together with your Fees; unless the said Assessment, or any Part thereof, upon Application made to the County Court, shall be abated.

Dated at G. &c.

Provido.

*Always provided, and it is further enacted, That it shall be lawful for any Person or Persons within this State, as often as Occasion shall require, to make use of other and diverse Forms than what are before in this Act prescribed, so that the Substance of the Matter or Action be well explained therein, according to Law.*

An Act for the Punishment of Fornication.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That if any Man shall commit Fornication with any single Woman, upon due Conviction thereof, each of them shall pay a Fine of thirty-three Shillings to the Treasury of the County in which such Conviction is; or be corporally punished by whipping, not exceeding ten Stripes each; at the Discretion of the County Court who shall have Cognizance of said Offence.

Fine, 33s.

An Act for Prevention of Frauds and Perjuries.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That no Suit in Law or Equity shall be brought or maintained upon any Contract or Agreement that shall be made after the first Day of December, one Thousand seven Hundred and Seventy-one, whereby to charge any Executor or Administrator, upon any special Promise, to answer Damages out of his own Estate; or whereby to charge the Defendant upon any special Promise to answer for the Debt, Default, or Miscalcarriages of another Person; or to charge any Person upon any Agreement made upon Consideration of Marriage; or upon any Contract, or Sale of Lands, Tenements, or Hereditaments, or any Interest in or concerning them; or upon any Agreement that is not to be performed within the Space of one Year from the making thereof; unless the Agreement upon which such Action shall be brought, or some Memorandum or Note thereof shall be made in Writing, and signed by the Party to be charged therewith, or some other Person thereunto by him lawfully authorized.

No suit in law or equity to be brought upon any contract that shall be made after the first day of Dec. 1771, to charge any executor, &c. upon any special promise.

And be it further enacted by the Authority aforesaid, That no Suit in Law or Equity shall be brought or maintained upon any Contract or Agreement that shall hereafter be made, and not reduced to writing as aforesaid, but within three Years next after entering into, or making the same, or on any such Contract or Agreement heretofore made, but within three Years next after a Right of Action thereon shall accrue; or if such Right of Action hath already accrued, such Suit shall not be brought, but within three Years next after the first Day of June, one Thousand seven Hundred and Seventy-one.

No suit &c. to be bro't upon any contract, unless within three years, &c.

Provided, That nothing in this Act contained shall extend to any Action of Book Debt.

Proviso.

An Act against Fraudulent Conveyances.

**B**E it enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That all fraudulent and deceitful Conveyances of Lands, Tenements, Hereditaments, Goods or Chattels; and all such Bonds, Suits, Judgments, Executions or Contracts, made to avoid any Debt or Duty of others, shall (as against the Party or Parties only, whose Debt or Duty is so endeavoured to be avoided, their Heirs, Executors or Assigns) be utterly void; any Pretence or feigned Consideration notwithstanding.

Fraudulent conveyances, void.

And every of the Parties to such a fraudulent Conveyance, Bond, Suit, Judgment, Execution or Contract, who being privy thereto, that shall wittingly justify the same to be done, bona Fide and upon good Consideration: Or shall alien and assign any Lands, Lease, Goods or Chattels so to them conveyed, as aforesaid, shall forfeit one Year's Value of the Lands,

Penalty.

Lease, Rents, Common, or other Profit out of the same; and the whole Value of the Goods and Chattels, and also so much Money as shall be contained in such covenous Bond or Contracts; and being thereof convicted shall also suffer half a Year's Imprisonment without Bail: Which above Forfeitures shall be equally divided between the Party grieved, and the Conny Treasurer; except the Purchaser make it appear by two sufficient Witnesses, that the Contract or Bargain was made *bona Fide*, and on good Consideration, before any Seisure made by the Creditor or Officer of the Estate so conveyed; and that it was without any Design of Fraud to defeat the Creditor of his just Dues.

An Act relating to Freemen.

Town clerks to enroll the names of freemen.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Town Clerks in the several Towns in this State, shall enroll in their respective Offices, the Names of all such Persons in their respective Towns, as are or shall be admitted Freemen of this State: Which Enrolments shall be made by the Direction of the Authority and Select-men of the Town, in the open Freemen's Meeting, legally assembled.

To be admitted in open meeting.

That no Person hereafter be admitted, and made free of this State, but in the open Freemen's-Meeting of the Town whereto he belongs, regularly assembled.

Qualifications.

That all such Inhabitants in this State, as have accomplished the Age of Twenty-one Years, and have the Possession of Freehold Estate to the Value of Forty Shillings per Annum, or Forty Pounds personal Estate in the general List of Estates in that Year wherein they desire to be admitted Freemen; or are possessed of Estate as aforesaid, and by Law excused from putting it into the List; and also are Persons of a quiet and peaceable Behaviour, and civil Conversation, may, if they desire it, on their procuring the Select-men of the Town wherein such Persons inhabit, or the major Part of them, to certify that the said Persons are qualified as aforesaid, be admitted and made free of this State; in Case they take the Oath of Fidelity to the State, and the Oath provided by Law for Freemen; which Oaths any one Assistant or Justice of the Peace is hereby empowered to administer in said Freeman's-Meeting.

Select-men may certify.

And all such Persons admitted and sworn as aforesaid, shall be Freemen of this State; and their Names shall be enrolled in the Roll of Freemen in the Town-Clerk's Office of that Town wherein they are admitted, as aforesaid.

Penalty for giving a wrong certificate.

And that when any Select-man shall give Certificate concerning any Person or Persons who are desirous to be made Freemen, and shall certify that they are of peaceable and civil Conversation, and qualified according to this Act; if it shall after appear that such Persons are not qualified, as is certified by the Select-men, every Select-man that shall certify as aforesaid, shall pay a Fine of Three Pounds six Shillings, to the State Treasurer.

Sup. court may disfranchise.

And that if any Freeman of this State shall walk scandalously, or commit any scandalous Offence, it shall be in the Power of the Superior Court in this State, on Complaint thereof to them made, to disfranchise such Freeman; who shall stand disfranchised, till by his good Behaviour the said Superior Court shall see Cause to restore him to his Franchisement or Freedom again: Which the said Court is empowered to do.

An Act against Gaming.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That if any Person or

Persons in this State, of what Rank or Quality soever, shall play at Cards, Dice or Tables ; every such Person shall pay a Fine of *Twenty Shillings*, for every such Offence he or they shall be convicted of. 20s. Penalty for playing cards, &c.

And the Head of every Family where any such Game is used, with his or her Privy or Consent, shall pay in like Manner the Sum of *Twenty Shillings* for each Time any such Game is used in his or her House. 20s. Fine on families where gaming is suffer'd

And whosoever shall sell any Playing-Cards in this State, or have any for Sale in his Possession, or offer to sell any ; every such Person shall pay a fine of *Forty Shillings*, for every Pack of Cards by him sold, offered to Sale, or found in his Possession. Penalty for selling cards.

And no Taverner, Inn-keeper, Ale-house-keeper or Victualler, shall have, or keep in or about their Houses, or any of the Dependencies thereof, any Dice, Cards, Tables, Bowls, Shuffle board, Billiards, Coytes, Keils, Loggets or any other Implement used in Gaming ; nor shall suffer any Person or Persons resorting unto any of their Houses, to use or exercise any of the said Games, or any other unlawful Game within their said Houses, or any of the Dependencies as aforesaid, or Places to them belonging, on pain of forfeiting the Sum of *Forty Shillings* for every such Offence, upon the Conviction thereof. Taverners not to keep implements for gaming, &c. on penalty of 40s.

And every Person who shall be convicted of playing Cards, Dice or Tables in any such House, or the Dependencies thereof, shall incur the same Penalty as is before in this Act provided for playing at said Games ; and for playing at any of the other Games aforesaid, in any such House or Dependencies, shall pay a fine of *Ten Shillings* ; one half of the Fines that shall be recovered by virtue of this Act, shall belong to any Person or Persons who shall discover and give Information of the Offence ; and the other half to the Treasury of the Town where the Offence is committed. And it shall be the Duty of every Informing Officer, to enquire after, and present all Breaches of this Act that shall come to their Knowledge. A Fine of 10s for gaming.

### An Act for regulating Gaols and Gaolers.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That there shall be kept and maintained, in good and sufficient Condition and Repair, a common Gaol in every County Town, in the several Counties in this State. A gaol to be kept in each county.

And in the County of *New-London*, two such common Gaols, to wit, one in the Town of *New-London*, and the other in the Town of *Norwich*. Two in New-London county.

The whole Charge of Building (when there shall be Occasion) and of keeping such Gaols in Repair, shall be defrayed by the County to which the same belongs. Charge how defrayed.

And that the Assistants and Justices of the Peace in the several Counties, shall have full Power ; and they are hereby impowered, to tax the Inhabitants of their respective Counties, for building, repairing and furnishing the said Gaols, as need shall require ; and from Time to Time to order, direct and take Care of the Building, and keep in Repair the said Gaols. Assistants and justices to tax the county.

And the County Courts shall appoint a Collector in each Town within their respective Counties, to collect such Taxes ; which Collectors shall have the same Powers and Fees as other Collectors of Taxes in this State have. And in case any Person so appointed a Collector, shall refuse the same, such Collector so refusing, shall pay a fine of *Forty Shillings*, to the Treasurer of the County ; unless excused by the County Court. And said Court is hereby authorized to grant Execution to levy the same accordingly, and to appoint another Collector, as often as there may be Occasion. County court to appoint collectors, &c. Penalty on collectors for refusing to serve.

And be it further enacted by the Authority aforesaid, That the respective County Court Treasurers shall give out their Warrants to such Collectors, to levy and collect such Tax ; and in case such Collectors shall refuse or neglect to 10s. &c.

pay the same into the County Treasury according to the Direction in such Warrant, the County Treasurer shall, by Warrant under his Hand directed to some proper Officer, make Distress on such Collectors Persons or Estates, for satisfying such Sum or Sums as shall remain unpaid of the Sum or Sums that said Collector was ordered, by Warrant to him directed, to levy and collect.

County to build, &c. a court-house, &c.

And whenever it shall be necessary to build a new Court-House, or to repair any such House in any County in this State, the Expence thereof shall be defrayed by the Inhabitants of such County; and the Taxes that may be necessary for that Purpose, shall be laid and collected in Manner aforesaid.

Prisoners to bear their own charge, &c.

And be it further enacted by the Authority aforesaid, That all and every Person and Persons whatsoever, that shall be committed to the common Gaol within any County in this State, by lawful Authority, for any Offence or Misdemeanor, having Means and Ability thereto, shall bear their own reasonable Charge for conveying, or sending them to the said Gaol; and also the Charge of such as shall be appointed to guard them thither; and also their Support while in Gaol, before they are discharged: And the Estate of such Persons shall be subjected to the Payment of such Charge: And for want of Estate, they may be disposed of in Service, to answer the same, according to a Law, entitled, "*An Act concerning Delinquents*;" unless they shall be freed from the Payment of said Charge, agreeable to the direction of the Law aforesaid.

Prisoners permitted to use their own necessities, &c.

That all Prisoners shall be permitted to provide, and send for their necessary Food where they please; and to use such Bedding, Linen, and other Necessaries, as they think fit, without their being purloined, detained, or their paying for the same. Neither shall any Keeper of a common Gaol, demand of them greater Fees for their Commitment, Discharge or Chamber Room than what is allowed by Law.

Prisonkeepers not to injure their prisoners, &c.

And if any Keeper of a common Gaol shall do, or cause to be done to any Prisoner committed to his Custody, any Wrong or Injury, contrary to the true Intent of this Act, he shall pay treble Damages to the Party grieved; also such Fine as the County Court of the County wherein the Offence is committed, upon Information or Complaint to them made, shall (on considering all Circumstances) think fit to impose upon him.

When allowed to take the poor prisoner's oath.

That when any Person or Persons are committed to Prison, in any civil Matter or Action, the keeper of the Prison shall not stand charged with his or their Supply of Victuals, and other Necessaries: And in Case the Prisoner hath no Estate, and will, and do take before an Assistant or Justice of the Peace, the following Oath, viz.

Form of the oath.

*YOU A. B. solemnly swear, that you have not any Estate, real or personal in Possession, Reversion, or Remainder, of the Value of Five Pounds in the Whole; or sufficient to pay the Debt or Damages for which you are imprisoned; and that you have not directly or indirectly sold, or otherwise disposed of all, or any Part of your Estate, thereby to secure the same, to receive or expect any Profit or Advantage thereof; or to defraud or deceive any of your Creditors.*

Proviso.

So help you GOD.  
Provided always, That said Oath shall not be administered to any such Debtor, until the Creditor or Creditors of such Prisoner, if Inhabitants within this State, otherwise the Attorney of such Creditor or Creditors hath been duly notified, and a reasonable Time to appear and shew Reason (if any be) why said Oath should not be administered: And if no sufficient Reason is shewn to the contrary, such Assistant or Justice shall administer said Oath to such imprisoned Debtor; after which the Keeper of the Gaol shall not stand charged with such Prisoner, unless the Creditor shall allow him a weekly Maintenance, such as three Justices of the Peace, *Quorum unus*, shall appoint, till the next County Court; which Court shall then determine how much the same shall be.

And all such Charges as the Creditor shall be at, he shall have Power to levy with the Execution, before the Prisoner be discharged from Prison. Power to levy.

That no Person committed to Prison for non-payment of Fines, Taxes, or upon Attachment or Execution in Civil Causes, shall be permitted by the Keeper of the Prison to go at Liberty without the Precincts of the Prison, but by the Licence of the Court that committed him, or of the Creditor for whose Cause he is arrested and imprisoned, upon Penalty of paying the Fine or Tax upon him, or satisfying the Debt or Damage for which he is committed, to him to whom the same is due. Prisoners not permitted to go at large.  
On penalty.

That Prisoners for Debt, and Felons shall not be lodged together in any common Gaol or Prison in the same Room. Debtors and felons not to be lodged in one room.

And if any Gaoler, or Keeper of a Prison, shall offend herein, he shall forfeit and pay to the Party grieved treble Damages; to be recovered by an Action, by virtue of this Act. Penalty.

Be it further enacted by the Authority aforesaid, That the respective Sheriffs of the several Counties in this State, for the Time being, shall have the Charge and Custody of the Gaols in their respective Counties; and they are hereby constituted the Keepers of them, and shall and may put in, and substitute under them, such Keepers of the said Gaols as they shall see Cause; and shall be responsible for all Damages that any Person shall sustain by the Escape of any Prisoner out of such Gaol, through the Fault or Connivance of such Keepers, or any other Person whatsoever, having the Charge of said Gaols under such Sheriffs; as also for other Faults and Negligences of such Under-keepers, by said Sheriffs appointed, in any Matters respecting said Trust. Sheriffs to be gaolers.

That when any County is destitute of a Gaol, any Persons in such County liable to be imprisoned, may by lawful Authority be sent to the common Gaol of the next adjoining County; and the Keeper of such Gaol shall receive and keep such Prisoners accordingly. When counties are destitute of gaols, &c.

Be it further enacted by the Authority aforesaid, That if any Person or Persons lawfully committed to any of the Gaols in this State, (either in any civil or criminal Case) shall break such Gaol and make his or their Escape, through, or by Reason or Means of the Defects or Insufficiency of such Gaol, the Cost and Charges occasioned, and expended thereby, and the Damages sustained by the Person or Persons by reason of such Escape or Escapes, shall be paid and answered out of the County Treasury, of that County wherein such defective Gaol is; and the County Court of that County, upon Application to them made, and Proof thereof, shall order Payment accordingly; the said Cost and Damages being first justly by them ascertained and allowed; and that in case any Party or Person shall be aggrieved by the Denial or Determination of such County Court, he or they may appeal to the next Superior Court to be holden in that County; who are empowered to hear, adjudge, and determine the same, and order Payment as aforesaid, with such Costs arising on the Appeal, as they shall judge reasonable. Escapes.

Be it further enacted by the Authority aforesaid That if there shall not be a sufficiency of Money at any Time in the County Treasuries to answer such Orders, the County Court of the County where Monies are wanting for the Purpose aforesaid, are hereby empowered and directed to tax and assess the Inhabitants of such County in such Sum or Sums as the Court shall judge needful for the Purpose aforesaid; and to appoint and empower a Collector or Collectors, for collecting the same, and to grant Warrant or Warrants accordingly; which Collectors shall have the same Authority as other Collectors in this State, by Law have. County courts to tax the county, &c.

Provided nevertheless, That nothing in this Act shall be construed to prejudice, or hinder any Party or Person from recovering any Expence, Cost Provided.

Goats. Grand-jury Men.

or Damages of the Person or Persons, or out of the Estate of such Person or Persons who shall break, or be aiding or assisting in breaking the Gaol, or who shall escape, or be aiding thereto, according to Law; and when such Remedy for Satisfaction may be had, the County shall not be charged with, nor be ordered to pay the said Expence, Cost or Damage.

*Provided also,* That nothing in this Act shall be construed, or extended to save Harmless, or excuse any Sheriff in any Escape, but what shall happen through the defect or insufficiency of the Gaol as aforesaid, and that without his Default and Negligence; nor shall this Act hinder any Person from any Remedy he now hath, or hereafter by Law shall have, in all or any of the Matters aforesaid.

An Act relating to Goats.

**B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That the Fees for impounding Goats shall be for each Goat *Two Pence*.

Fee.

Goats impoundable, &c.

*And be it further enacted,* That all Goats in any Town in this State being found out of the Inclosure of the Owner or Owners of such Goats, may be lawfully impounded; and the Owner or Owners of such Goats so impounded, shall pay Poundage and Damages: And the Damages done by such Goats, whether within Inclosure or not, shall be determined in the same Manner as Damages done by other Creatures are, when impounded from Inclosures lawfully fenced: Unless any Town shall agree and order otherwise in their own Precincts.

An Act concerning Grand-jury Men.

Towns to choose grand-jury-men annually.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That every Town in this State, on the Day of their annual Town-Meeting for electing Town-Officers, shall elect and choose Two or more sober discreet Persons of their Inhabitants, to serve as Grand-jurors for the ensuing Year; who shall be Sworn by the next Assistant or Justice of the Peace.

s6s, fine for refusal, &c.

But in case any Person so elected shall refuse to accept, and take the Oath for such Officers provided, and serve as aforesaid, (unless he render a satisfying Reason to the Town-Meeting, or to the Authority before whom he shall be called to take the Oath, why he ought not to serve as aforesaid) he for such refusal shall incur the penalty of *Twenty-five Shillings*, and another Person shall be chosen in his room, who shall upon acceptance, be sworn as aforesaid: And the Names of such Grand-jurors shall by the Clerk of the Town be returned unto the Clerk of the County Court within the same County; and the said Clerk of the County Court, shall by his Writ, summon such a Number of the said Grand-jurors within the said County, as shall be necessary to attend, and serve at the said County Courts.

Penalty.

And if any such Grand-juror, so as aforesaid required, and summoned to serve on the Grand-jury, shall neglect or refuse to appear, (unless he shall give sufficient Reason for his Refusal) he shall forfeit the Sum of *Twenty Shillings*.

Their duty.

And all Grand-jurors shall diligently enquire after, and make due Presentment of all Misdemeanors and Breaches of Law, whereof they have Cognizance; whether the same were committed before said Grand-jurors are chosen and sworn to said Office, or afterwards: Which Presentments they shall seasonably make to the Court, or to some Assistant or Justice of the Peace; that Offenders may be dealt with according to Law.

And if any Grand-jury-man, after he is sworn, shall neglect to make

reasonable Presentment of any Breach of Law, whereof he hath Cognizance, shall pay a Fine of *Ten Shillings*.

All which Penalties shall be and belong to the Town-Treasury of the Town where such Grand-juror dwells.

Penalties to the town treasurer.

And all Grand-jury-men shall be allowed *Four Shillings* per Day for their Time of Attendance, and *Four Pence* per Mile Travel out, when they shall be required to give their Attendance at the Superior or County Court : To be paid out of the State or County Treasury, as the Law directs.

Allowance.

And every Town in this State that shall neglect or refuse to make choice of Grand-jurors, as aforesaid, shall for every such neglect or refusal, incur the Penalty of *Five Pounds*, to the Treasury of the County wherein such Town lieth : To be recovered by Bill, Plaint or Information.

Penalty on towns neglecting to choose, &c.

*And to enable Grand-jurors more effectually to detect Breaches of Law.*

*Be it further enacted by the Authority aforesaid,* That the Grand-jurors in each respective Town in this State, shall once in three Months in each Year, and oftener if need so require, meet at such Time and Place as they shall appoint, to advise concerning such Breaches of Law as by their Office they are to enquire after and present : And shall have Power to call before them at such Meetings, any Person or Persons as Witnesses, in order to be examined touching such Delinquency as they are enquiring after : And if any Person refuse to appear before such Grand-jurors at such Meeting, being summoned thereto by Warrant from an Assistant or Justice of the Peace, (who are hereby directed to grant such Warrant, on the request of such Grand-jurors) or shall refuse to be examined upon Oath, if thereto required, such Witnesses may by such Assistant or Justice, on Conviction of such Refusal, be committed to the common Gaol ; thereto remain at his own Cost, until he will give Evidence, as aforesaid.

Grand-jurors to meet once in three months, &c.

*Provided,* That such Evidence shall at no Time be construed to the prejudice of such Witness.

*And be it further enacted by the Authority aforesaid,* That the Superior Court and County Courts in this State, shall have Power to order a Grand-jury of Eighteen of those chosen by the respective Towns in the County, or other sufficient Freeholders of the County where such Court is sitting, to be summoned, impannelled and sworn to enquire after and present such criminal Offences as shall be cognizable by said Courts respectively, where there shall be Occasion.

Superior and county courts empowered to order in a grand-jury &c.

And no Person shall be held to Trial, or put to plead to any Complaint, Indictment or Accusation for a Capital Offence punishable with Death, unless a Bill of Indictment be found against such Person for such Crime, by a Grand-jury legally impannelled and sworn ; and that no Bill of Indictment shall be presented by any Grand-jury so impannelled, unless twelve at least of the Jurors agree to it.

No person held to trial unless upon bill found, &c. 12 of the jurors to agree &c.

## An Act relating to Guardians of Minors.

*BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same,* That when and so often as there shall be occasion, the Courts of Probate in the several Districts in this State, shall be, and they are hereby empowered to allow of Guardians, who shall be chosen by Minors of Age by Law for the choosing of Guardians ; and to appoint Guardians for such as shall be within that Age.

Guardians how chosen

And that when it shall so happen that there shall be any Minor, of Age for the choosing a Guardian, who hath neither Father, Guardian, nor Master ; then each and every of the Judges of the said Courts of Probate within whose

Judges are to choose and

District such Minor lives or resides, shall notify such Minor to appear before him, and elect some meet Person to be his or her Guardian; which being done, the same may be allowed as aforesaid.

On refusal  
judges to ap-  
point.

And upon Refusal or Neglect to make such Election, such Judge shall appoint, and the respective Judges aforesaid are hereby empowered to appoint a Guardian for such Minor neglecting or refusing as aforesaid. And the Power and Authority of such Guardian, shall be as good and effectual to all Intents and Purposes, as if first elected by such Minor; and thereupon allowed as aforesaid.

Judges to  
take bond.

And every Judge of Probate, on his allowing or appointing any Guardian as aforesaid, shall take sufficient Security of all such Guardians, for the faithful Discharge of their Trust, according to Law; and to oblige them to render their Account of their Guardianship to the Court, or Minor, when such Minor shall arrive at full Age; or at such other Time, as the said Court of Probate, upon Complaint to them made shall see cause to appoint.

### An Act for providing, altering, regulating and mending High-ways.

Surveyors to  
be yearly  
chosen.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That each Town in this State shall, at their annual Meeting for electing Town Officers, yearly choose two or more of their Inhabitants to be Surveyors of High-ways; to take care of, and over-see the mending and repairing of all the High-ways within their Towns, respectively: which Surveyors shall be sworn to a faithful Discharge of their Office: Who are hereby empowered to call out the several Persons in such Towns, from sixteen Years of Age, to sixty Years of Age; as well Indian, Molatto, and Negro-Servants or Slaves, as others, (Magistrates, Justices of the Peace, Gospel-Ministers, Ruling-Elders, allowed Physicians, School-Masters, Constant Herdsmen, Shepherds, one Miller to each Grist-Mill, and such other Persons as are exempted by Law excepted) two Days at least in each Year, if there shall be need, and so many more as in his or their Judgment shall be found necessary for the attaining the aforementioned End; to be directed in their Work by the said Surveyors: And where they shall see meet to employ a Team, they may warn the Owner thereof to bring forth the same for that Service: And the Owner of such Team shall be allowed for his Team the Work of one Man.

Three days  
warning.

And all Persons shall have three Days Warning, before the Day appointed for such Employment.

Penalty for  
neglect

And if any Person so warned, shall refuse or neglect to attend and perform the said Service, in Manner aforesaid, he shall forfeit for every Day's Neglect, *viz.* For a Person, the Sum of *Two Shillings and Three-pence*; and for a Man and Team, the Sum of *Four Shillings and Six-pence*.

Parents to  
pay when, &c.

Which Forfeitures being made by Minors and Servants, or Slaves, shall be paid by their Parents, Guardians or Masters respectively: And the Fines so forfeited, shall be delivered to said Surveyors, and by them be improved to hire others to work in said Ways.

Surveyors to  
make pre-  
sentment.

And every Surveyor shall, within four Days after the several Days appointed for said Work, deliver in to some Assistant or Justice of the Peace, a true Presentment of all such Persons as have been defective, with an Account of their several Defects or Neglects: And if the Person defective either in Whole or in Part of the Work, shall not within one Week after, satisfy the Surveyor, or give satisfying Reasons to the said Assistant or Justice, of his not working, such Assistant or Justice shall grant a Distress, directed to the Sheriff, his Deputy, or Constable, for the levying by Distress and Sale of the Offender's Goods.

The incurred Forfeitures to be delivered to the said Surveyors, for the Use aforesaid.

And if any Surveyor neglect the Trust committed to him, either in not calling out the Inhabitants to Labour, as aforesaid, or in not returning the Names of those who shall be deficient, as aforesaid, he shall incur the same Penalty as those he passed by are liable to, by Virtue of this Act; to be recovered on Complaint and Conviction thereof by Distress, as aforesaid.

Surveyors neglecting their trust, to forfeit, &c.

And every such Surveyor shall render an Account of the Improvement of all such Forfeitures as shall be by him received, to the Assistant or Justice who granted out a Distress for the same, within twenty Days after receiving such Forfeitures: And if it appear to such Assistant or Justice, that any such Surveyor hath neglected to improve such Forfeitures according to the Direction of this Act, that then, in such Case, such Assistant or Justice is hereby authorized and empowered to grant a Distress against the Goods and Chattels of such Surveyor, for collecting such Sum or Sums as shall be found not to be improved as aforesaid; and the same to be delivered to the Treasurer of the Town where such Distress is made:

To render an account, &c.

*Be it further enacted by the Authority aforesaid,* That whenever there may be Occasion to clear any Water Course, or Place or Places where Water may drain off from any Highway to make the same dry and better to pass in, the said Surveyors of Highways, with the Persons attending them, may, and they are hereby empowered to clear such Water-Courses and Places where Water may drain off from Highways into or through any Person's Land or Possession so far as may be necessary sufficiently to drain the Water off from such Highways.

Power to turn water courses.

And that the respective Towns in this State have Liberty, so often as they judge necessary, at their annual Town Meetings, to vote and agree, that the Select-men shall set out to each Surveyor of Highways, by such Town chosen, a certain District within said Town for mending Highways, and order and direct who of the Inhabitants by Law obliged to work at Highways, shall labour under each Surveyor; and to alter said Districts as they shall find Occasion. And the Select-men of every Town so agreeing, are hereby appointed and empowered to perform the Service aforesaid.

To divide into districts &c.

Provided, This Act shall not be construed to the Prejudice of such as have obtained Liberty, or shall obtain Liberty from the County Court to set up Gates or Bars in Highways.

Proviso.

*Be it further enacted by the Authority aforesaid,* That where a new Highway or common Road from Town to Town or Place to Place shall be wanting, and where old Highways with more Convenience may be turned or altered, any Person or Persons may make Application to the County Court within the same County for that Purpose; which Persons moving as aforesaid, shall, at least twelve Days before the sitting of the Court to which he or they shall make Application as aforesaid, cause a Citation to be served on one or more of the Select-men of that Town, within whose Bounds the same is moved to be laid out or altered, to appear (if they see Cause) at said Court, and make their Objections (if any they have) against such Highways being laid out or altered; and thereupon, if no Objections are offered, or if the Objections are judged insufficient, the said County Court may enquire, by a disinterested Committee, or otherwise, into the Convenience and Necessity thereof; and if the same is judged by said Court to be of common Convenience or Necessity, such Court is hereby empowered to appoint a Committee of three disinterested Freeholders, to view and lay out, or alter such Highway; which Committee shall give seasonable Notice to one or more of the Select-men of the Town or Towns in which the same is to be laid out; and also set up a Notification in Writing on the Sign-

New high-ways or old ones altered, how to be effected,

Committee to enquire, &c.

Notice given,

Post in such Town or Towns, at least twenty Days before they enter on said Service, thereby notifying the Owners of the Lands, and others concerned, of the Time, Place, and Occasion of their Meeting, and shall be under Oath to perform said Service, according to their best Skill and Judgment with most Convenience to the Public, and least Damage to private Property; and shall ascertain the Place and Course of such Highway, and estimate the Damages done to any particular Persons by laying out the same, and make Return thereof in Writing under their Hands to said County Court; which being approved by the Court and recorded, said Highway shall be and remain a Public Highway: And the Charges of laying out the same, and the Damages sustained by any Persons thereby, shall be paid by the Town in whose Bounds it shall be laid out: And upon their Neglect to make Payment thereof to the Persons to whom the said Charge or any Part thereof shall be so ordered, the said Court shall send forth a *Scire Facias* against the Select-men of said Town, to shew Cause wherefore Execution shall not be awarded against them; and upon their Neglect to shew sufficient Cause, shall award Execution against them for the Charges aforesaid, with additional Cost.

Aggrieved  
persons how  
relieved, &c.

And in Case any Person is aggrieved by the Doings of said Committee, either in laying out such Highway or estimating the Damages, the Court upon Application, before the Report of the Committee is accepted or any Determination made thereon, may enquire into the Matter complained of by a Jury, if the Party aggrieved desire it, and grant such Relief as the Case may require. But if it appear that there was no just Cause of Complaint, the Court may Order that the Person applying shall pay the Cost, arising thereby, otherwise it shall be paid by the Town; and such Court may give Judgment and grant Execution accordingly.

Select-men  
may lay out  
highways, &c.

And be it further enacted by the Authority aforesaid, That the Select-men of the respective Towns in this State, or the major Part of them, may lay out such public Highways or private Ways as they shall judge needful, within their respective Towns, first giving reasonable Notice to the Owners of the Lands through which the same are to be laid out, or leave such Notice in Writing at the Place of their Abode, if within this State, to be present, if they see Cause, at the laying out of such Ways: And the Damage done to such Person by laying out the same, shall be paid by the Persons applying for such Ways, if the same be for their Private Use only, but if such Ways be for the common Use of the Inhabitants, it shall be paid by the Town: And a Survey in Writing, under the Hands of the Select-men, containing a particular Description of such Ways being made, accepted by the Town, and recorded in the Records of Lands in such Town, and Satisfaction made to the Persons damaged, or the Money deposited with the Town Treasurer for their Use, ready to be paid to them when they apply for the same, according to an Estimate that shall be made by three judicious disinterested Freeholders, under Oath, appointed by a Justice of the Peace for that Purpose, or as the Select-men and Parties interested may agree; then such Ways shall be and remain for the Use for which they were laid out.

Provido.

*Provided nevertheless,* That if any Person shall be aggrieved by any Act of the Select-men, in laying out any public or private Way, or by the Estimate of the Damages, such aggrieved Person may, within eight Months after the same is laid out, apply to the County Court in the County wherein such Town is situated, for Relief; causing said Select-men to be duly cited to shew Reason, if any be, why such Relief should not be granted; which Court may enquire of the same by a Jury, if the aggrieved Party desire it, or by a Committee, and grant such Relief as shall appear to said Court just and reasonable, either by discontinuing such Highway or private

Way, or altering the ſame, or increaſing the Damages: And if it appear there was juſt Cauſe of Complaint, the Charges ariſing thereby, and the Increaſe of Damages, if any be, ſhall be paid by the Town or Perſons, for whole Uſe ſuch Way is laid out; but if otherwiſe, the ſaid Court may order ſaid Coſt to be paid by the Party complaining, and give Judgment and grant Execution accordingly.

And no Highway or private Way, laid out by the Select-men by Virtue of this Act through any Perſon's Incloſure, who ſhall declare himſelf aggrieved by laying out the ſame, ſhall be laid open or occupied until the Expiration of twelve Months after laying out ſuch Way, that ſuch Perſons may have Opportunity to apply for Relief as aforeſaid, and alſo have Time to fence and ſecure their Incloſure.

Highways laid out by the ſelect-men; not to be laid open till after one year.

And be it further enacted, That if the Select-men of any Town, upon Application, ſhall reſuſe or neglect to lay out ſuch private Ways as may be neceſſary for any Inhabitants of ſuch Town, the County Court is hereby impowered, upon Application to cauſe ſuch Ways to be laid out as may appear neceſſary, in the ſame Manner as public Highways are by this Act directed to be laid out, and order the Coſt of laying out the ſame, and Damages ſuſtained by any Perſons thereby, to be paid by the Perſons applying for ſuch Ways, if the ſame be for their Uſe only; but if for the common Uſe of the Inhabitants, then to be paid by the Town.

Select-men reſuſing to lay out private ways, county court impowered, &c.

And each Committee-man employed in laying out High-ways, ſhall be allowed for himſelf, Horſe and Expences, *Eight Shillings per Diem*.

Pay allowed to committee

### An Act to prevent the ſelling, or transporting raw or untanned Hides or Skins, out of this State.

BE it enacted by the Governor, Council, and Representatives, in General Court aſſembled, and by the Authority of the ſame, That no Perſon or Perſons, ſhall, directly or indirectly, ſell or tranſport, or ſend away out of this State, any raw or untanned Hides or Skins of any Neat Cattle, upon pain of forfeiting the Sum of *Twenty Shillings* lawful Money, for every ſuch Hide or Skin ſo ſold, tranſported, or ſent away; one Half thereof to the Complainer, who ſhall proſecute the ſame to Effect, and the other Half to the Treafury of the County where the Offence is committed.

Penalty for tranſporting raw hides out of the State.

### An Act for the preventing of Horſe-Racing.

WHEREAS Horſe-Racing is a growing Evil, productive of Diſſipation, Idleneſs, and many other Vices ruinous to Individuals and detrimental to the public Weal.

Preamble.

Which to prevent:

BE it enacted by the Governor, Council and Representatives, in General Court aſſembled, and by the Authority of the ſame, That the Owner or Owners of every Horſe or Horſe-Kind, that ſhall be uſed, employed, or improved in Horſe-Racing in this State, by his or their Privy or Permiſſion, whereon any Stakes are held, or any Bets or Wagers laid or dependant, either directly or indirectly, ſhall forfeit every ſuch Horſe or Horſe-Kind employed as aforeſaid, or the Value thereof. And that every Perſon or Perſons concerned in laying any Bet or Bets or Wagers on ſuch Race or Races ſhall forfeit the Sum of *Forty Shillings* lawful Money, in all Caſes where the Bet or Wager laid ſhall be *Forty Shillings* or under; in all other Caſes the value of the Bet or Wager laid as aforeſaid.

Penalty for horſe racing, where bets are laid.

All which Forfeitures to be recovered by Bill, Plaint, or Information thereof made, and Conviction had before any proper Court to try the ſame;

Penalties how recovered.

the one half of said Forfeitures (in Case of a common Informer) to him or them who shall prosecute the same to Effect, and the other Half to the public Treasury ; but in Case of Prosecution by an Informing Officer, the whole of said Penalty to the public Treasury.

Informing officers to present.

And all Informing Officers are hereby directed to make due Presentment of all Breaches of this Act.

## An Act for relieving and ordering of Idiots, impotent, distracted and idle Persons.

Providing for idiots and distracted persons.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That when and so often as it shall happen that any Person or Persons shall be naturally wanting of Understanding, so as to be incapable to provide for themselves ; or by the Providence of God shall fall into Distraction, and become *Non compos Mentis*, or shall by Age, Sickness, or otherwise become poor and impotent, and unable to support or provide for themselves ; and having no Estate where-withal they may be supported and maintained, then they, and every of them shall be provided for, taken care of, and supported by such of their Relations as stand in the Line or Degree of Father or Mother, Grand-father or Grand-Mother, Children or Grand-children, if they are of sufficient Ability to do the same : Which sufficient Relations shall provide such Support and Maintenance, in such Manner and Proportion as the County Court in that County where such Idiot, distracted, poor or impotent Person dwells, shall judge just and reasonable ; whether such sufficient Relations dwell in the same, or in any other County.

Application to be made to the C. court.

And the said Courts are hereby fully authorized and empowered, upon Application to them made, either by the Select-men of the Town, or any one or more of such Relations, to order the same accordingly.

To award execution, in case, &c.

And if any such Relations who shall by such Court be assessed or ordered to pay and contribute any certain Sum or Sums for the Purpose aforesaid, shall neglect to do the same, or give sufficient Security to abide by, and fulfil the Judgment of the Court, the said Court may award Execution quarterly against such Persons respectively, for the levying of so much as they are respectively assessed : To be delivered into the Hands of the Complainant or Complainants respectively, for the Purpose aforesaid.

Idiots, distracted & impotent persons having estates, the C. court to order, &c.

But if such Idiot, distracted or impotent Persons have any Estate, the County Court of that County where they dwell, may order and dispose thereof in such Manner as they shall judge best for, and towards the Support of such Persons ; as also the Persons themselves, to any proper Work or Service he, she or they may be capable to be employed in, at the discretion of the Select-men ; or may appoint and empower some meet Person a Conservator to take Care of, and oversee such Idiots, distracted and impotent Persons and their Estates, for their Support ; who shall be accountable to said Court for their Management of said Trust, when thereunto ordered by said Court.

Power of County courts to order sale of estates of idiots, &c.

That in future, whenever it shall appear to the respective County Courts, upon the liquidation and adjustment of Accounts exhibited to them, pursuant to the Provisions of this Act, that the Debts so ascertained, shall exceed the personal Estate of such Idiot, distracted or impotent Person or Persons, it shall be lawful for the said Courts respectively, to order the Sale of so much of the real Estate of such Person or Persons as shall be sufficient to pay the same, with incident Charges of Sale, in such Manner as shall appear to them most for the Benefit of such Estate ; which Sales shall be good and effectual in the Law to all Intents and Purposes whatsoever ; any Thing in this Act to the contrary in any wise notwithstanding.

But if such Idiots, distracted, poor and impotent Persons have not Estate (the Incomes whereof being improved or disposed of as aforesaid) sufficient for their Support, and no Relations appear to provide for them, or that stand in so near a Degree that they may be compelled thereto; in every such Case the Select-men or Overseers of the Poor of the Town or Peculiar where such Person was born, or is by Law an Inhabitant, be, and hereby are impowered and required to take effectual Care, and make necessary Provision for the Relief, Support and Safety of such Idiot, distracted, poor or impotent Person, at the Charge of the Town or Place whereto he or she of Right belongs: or if they belong to no Town or Place in this State, then at the Cost and Charge of the State.

If said persons have no estate, nor any relative appear, the select-men to take care and provide for their relief.

That when it shall so happen, that any Man shall die without Issue, leaving a Widow and an Estate, real or personal belonging to him, such Estate is hereby made liable for the Support of the Widow of such deceased Husband, during her Widowhood, in Case she become impotent, and no Person of Ability held in Law to support her. And that all and every Person or Persons, to whom such Estate, or any Part thereof is given or descends respectively, shall so far as the Estate so given or descended extends, be held to support such Widow during her Widowhood, in Proportion to the Value of the Estate so given or descended to him or them as aforesaid respectively; Such Maintenance and Support to be recovered of such Heir or Legatee, their Heirs &c. in the same Way and Manner as may be obtained against Children for the Support of their Parents, according to the Laws of this State in such Case made and provided.

Estate of persons who die without issue liable to support the widow.

And be it further enacted by the Authority aforesaid, That the Select-men for the Time being, in the several Towns in this State, shall from Time to Time, diligently inspect into the Affairs and Management of all Persons in their Town, whether Householders or others; and if they shall find any Person or Persons that are reduced, or are like to be reduced to Want by Idleness, Mismanagement, or bad Husbandry, that then such Select-men may appoint an Overseer to advise, direct, and order such Person in the Management of his Business, for such Time or Times as they shall think proper: A Certificate of which Appointment the Select-men shall forthwith set upon the Sign-post, and lodge a Copy thereof in the Town-Clerk's Office of said Town; and thereupon no such Person while under such Appointment, shall be able to make any Bargain or Contract without the Consent of such Overseer, that shall be binding, or valid in Law.

Select-men to inspect into the affairs of all persons in their towns.

And if such Measures do not prove sufficient to reform such Person, then the Select-men, (or without first appointing such Overseer, if they judge it necessary, or more proper) may, and they are hereby directed to make Application to the next Assistant or Justice of the Peace, and inform him thereof: Which Assistant or Justice is hereby directed and impowered, at the Request of the Select-men, to issue forth his Warrant to the Sheriff, his Deputy, or to either of the Constables of that Town, commanding them to take the Body of such Person, and bring him before the said Authority, in order that such Person may be examined concerning his Idleness, Mismanagement, and bad Husbandry, and to be dealt with according to this Act.

Persons not reformed, the select-men to, &c.

And in Case such Person who shall be so informed against, shall abscond, so that he cannot be taken bodily, then the Officer shall serve such Warrant by leaving a true and attested Copy thereof at the usual, or last Place of his Abode; and thereupon, after the Proceedings above directed to, the Select-men, or the major Part of them, if no sufficient Reason be offered to the contrary, shall, by and with the Advice of said Assistant or Justice, and they having such Advice, are hereby authorized, and fully impowered to take such Person and his Family, if any he hath, into, and under their Care; and such Person and Family to assign, bind, and dispose of in Service as they shall judge best.

Such persons not to make contracts, &c.

Select-men  
to take into  
their hands  
the Lands,  
&c.

Proviso.

Select-men  
to set up on  
the sign-post  
a certificate  
of their pro-  
ceedings in  
taking the  
estate of poor  
& idle per-  
sons.

Select-men  
to demand  
and recover  
the estates  
of idle per-  
sons, &c.

Select-men  
to pay out,  
&c.

Persons ag-  
grieved, to  
apply to the  
county court

Disabled  
from making  
contracts.

Contracts  
void.

Impresses to  
be by war-  
rant.

Reasonable  
allowance.

And when the Select-men shall have thus taken into their Care any such Person, and disposed of him as aforesaid; or in Case of his absconding as aforesaid, if informed, and proceeded against as aforesaid; the Select-men for the Time being are hereby authorized and fully impowered, by and with the Advice of the said Assistant or Justice, to take into their Hands and Custody, all the Lands, Goods, Chattels and Credits of any such Person, and the same to dispose of, improve and manage by themselves, or any under them for the best Good and Advantage of such Person, or his Heirs.

*Always provided,* That no Select-men shall have Liberty to sell the Lands of any such poor, or idle Person, without the Order of the General Assembly.

And the Select-men shall make evident and certain their Doings with and on such Estate as they shall take as aforesaid, by forthwith setting up a Certification thereof in Writing, under the Hands of the said Authority and Select-men on the Sign-post, or some other public Place in said Town; and lodge a Copy thereof in the Town-Clerk's Office of the said Town; and shall also within ten Days after the taking of such Estate into their Hands, make a true and perfect Inventory of all, and singular the Goods, Chattels and Credits of such Person, as shall come into their Hands, with a just Estimate of the true Value of every Article thereof, by the Appraisement of two indifferent Free-holders under Oath, being thereunto appointed and sworn by said Authority: Which Inventory so taken, shall be lodged in the Town-Clerk's Office of that Town.

And if any Person or Persons shall detain or with-hold from such Select-men any Estate, Lands, or Credits belonging to such idle and poor Person, the said Select-men are hereby impowered to demand and recover the same by Action, or by other Means, from Time to Time: Which being recovered and received by such Select-men, shall, if personal Estate, be inventoried as aforesaid; and the whole to be improved as aforesaid.

And the said Select-men shall take Care to pay out of such Estate in their Hands, the just Debts due from such Persons.

And if any Person or Persons shall be aggrieved with the Doings of any Select-men in any such Case, they may apply themselves, and complain to the next County Court in that County for Relief; who are hereby impowered to afford such Relief, on hearing the Case, as they shall think convenient; and give Orders therefor, and put the same in Execution accordingly.

And all such Persons who shall be taken, and whose Estate shall be taken and disposed of according to this Act, shall be disabled to make any Contract, Act or Deed that shall be binding upon their Persons or Estate, as Minors under Guardians by Law are; until such Time as such Persons by their Industry, good Management and Application to Business shall obtain under the Hands of such Authority and Select-men that they are released, and their Estate put into their own Hands and Improvement again.

And all Bargains, Sales and Contracts made, or pretended to be made, contrary to this Act, shall be, and they are hereby declared to be null and void.

### An Act for the preventing of Wrong by Impresses.

**BE** it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That no Person shall be compelled to do any Work or Service for the Public, unless it be by Warrant from Authority, and he have reasonable Allowance therefor: Nor shall any

Mau's Horse, Cattle or Goods, of what Kind soever, be impressed or taken for any public Use or Service, unless it be by Virtue of such Warrant, nor without Damage to such reasonable Satisfaction: And if such Horse, Cattle or Goods perish, or be paid. suffer Damage in such Service, the Owner shall be duly recompensed.

An Act for well-ordering and governing the Indians in this State; and securing their Interest.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That it shall be the Duty of the Civil Authority and Select-men of such Towns wherein are any Tribe of Indians, to take Care that they be well acquainted with the Laws of the State, made for punishing such Immoralities as they may be guilty of; and make them sensible that they are liable to the Penalties in case they transgress the Laws.

Civil authority, &c. to take care the Indians be acquainted with the laws against immoralities.

And any Indian that shall be guilty of wilfully murdering any other Indian, shall be put to Death, on being thereof convicted before the Superior Court.

Indians, murder, death.

And every Indian that shall be convicted of Drunkenness, shall pay a Fine of Five Shillings, or be set in the Stocks, not exceeding two Hours, nor less than one Hour.

Drunkenness

And every Indian that shall be convicted of prophaning the Sabbath or Lord's-Day, by unnecessary Labour, or Play, shall pay a Fine of Three Shillings, or sit in the Stocks one Hour, at the discretion of the Authority before whom the Conviction is.

Breach of sabbath.

And if any Person shall sell or give any strong or spirituous Liquor to any Indian in this State, such Person shall, for every such Offence, pay a Fine of Ten Shillings for every Pint, and in Proportion for any greater or lesser Quantity of such Liquor, so sold, or given to any Indian. And the accusation of an Indian, and other strong Circumstances, shall be sufficient Evidence to convict any Person of the breach of this Paragraph, unless the Person accused shall acquit him or herself on Oath.

Penalty for selling strong drink to Indians.

Provided, That nothing in this Act shall be construed to hinder, or restrain any act of Charity for relieving any Indian in case of Sicknes or Necessity.

Provido.

That no Indenture or Contract made by any Indians for binding out any of their Children, shall be valid in Law, except approved by, and acknowledged before an Assistant or Justice of the Peace; which Authority shall see that Justice be done therein.

No indenture of an indian valid, unless acknowledged.

That it shall be the Duty of every Person who shall take an Indian Child or Children to bring up, to teach him or them to read; and also to instruct them in the principles of the Christian Religion, by Catechising or otherwise.

Indian children to be taught to read, &c.

That any Person who shall neglect his or her Duty therein, and be thereof convicted, shall pay a fine, not exceeding Thirty Shillings, on one Conviction, at the discretion of the Authority before whom the Conviction is: And if such Person shall continue to neglect to instruct such Child or Children, (they being capable to learn) it shall be the Duty of the Select-men, and they are hereby empowered, by and with the Advice of an Assistant of Justice of the Peace, to remove such Child or Children; and bind him or them to some other Person, who will take proper Care for their Instruction, as aforesaid.

Penalty for neglect.

Duty of selectmen. &c.

That no Judgment shall be rendered against any Indian for any Debt, or any Contract, except for Rents of Lands hired and occupied by such Indian.

Not prosecutable for debt except, &c.

And be it further enacted by the Authority aforesaid, That no Person or Persons in this State, whether Inhabitants or other, shall buy, hire, or re-

No person to buy or hire of Indians, unless, &c. ceive a Gift or Mortgage of any parcel of Land or Lands of any Indian or Indians, for the future ; except he or they do buy or ceive the same for the use of the State, or for some Plantation or Village, and with the Allowance of the General Assembly of this State.

On penalty, &c.

And if any Person or Persons shall purchase, or receive Lands of any Indian or Indians, contrary to the Intent of this Act ; the Person or Persons so offending, shall forfeit to the public Treasury of this State, the treble Value of the Lands so purchased or received : And no Interest or Estate in any Lands in this State, shall accrue to any such Person or Persons, by Force or Virtue of such illegal Bargain, Purchase or Receipt.

*[The above Paragraph, was enacted in October, one Thousand seven Hundred and two ; to be in Force from the first Day of December, then next following.]*

Law of possession not pleadable, &c.

It is further enacted by the Authority aforesaid, That when and so often as any Suit shall be brought by any Indian or Indians, for the recovery of any Lands reserved by the Indians for themselves, or sequestered for the Use and Benefit of the Indians, by order of this Assembly, or by any Town agreeable to the Laws of this State ; that the Defendant or Tenant shall not be admitted to plead in his Defence his Possession, or any Way take Benefit of the Law, entitled, " *An Act for the quieting Men's Estates, and avoiding of Suits,*" made May the eighth, One thousand six hundred and eighty-four.

And to prevent Damage that may come to Indians in their Corn-fields, by Creatures belonging to other People :

Where Indians have corn-fields, fence-viewers to be appointed, &c.

Be it further enacted by the Authority aforesaid, That in each Town in this State, where any Indians have fenced Fields, there shall be Fence-viewers and Appraisers by such Town chosen and appointed, who shall be sworn to view such Indians Fence, and to appraise such Damage as may, or shall be done in their Corn-fields, by any Cattle, Horses or Swine : And the Judgment and Appraisement of such Viewers or Appraisers, shall be observed, and duly performed, and answered by the Owners of such Cattle, Horses and Swine, to the Indian or Indians damaged.

To have pounds.

And any Indians having such Fields, are hereby allowed to make Pounds within their said Fields, to impound and secure Horses, Cattle and Swine trespassing upon them.

Notice to be given to the owners of creatures impounded.

And the Indian or Indians impounding any Cattle, Horses or Swine, shall forthwith give Notice thereof to the Select-men of that Town wherein such Field is, and to the Select-men of the two next adjacent Towns ; unless the Owner is known ; in which Case, Notice shall be given to the Owner ; and if the Owner doth not redeem his Creatures so impounded, by paying the Damage sustained, within twenty-four Hours after Notice to them given of the same : or if no Owner appear within three Days after Notice given to the Select-men, as aforesaid ; then, in each of those Cases, the Select-men of that Town wherein such Field is, shall make Sale of such Creatures, or so many of them as shall answer the Damages done by such Creatures, and pay said Damage, and the Charges therewith, and return the Overplus, if any, to the Owner.

**An Act for the Admission of Inhabitants in Towns, and for preventing Charge on Account of such as are not admitted therein.**

**BE** it enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That no transient Per-

be or Inhabitant of any other State, who may come to reside or dwell in any Town in this State, shall gain a legal Settlement in such Town by dwelling here, unless admitted by a major Vote of the Inhabitants of such Town, or by Consent of the civil Authority in and Select-men of said Town, or unless such Person shall be appointed and execute some public Office, or have been possessed in his own Right in Fee of a real Estate of the Value of one hundred Pounds in such Town, during his Continuance there; but such Persons, not having gained a Settlement as aforesaid, if the Select-men judge they are likely to become chargeable to said Town, may be removed to the Place of their last legal Settlement, notwithstanding any length of Time that they may have been suffered to continue in such Town.

No person admitted an inhabitant, unless, &c.

That no Person shall be received or admitted an Inhabitant in any Town in this State, but such as are known to be of an honest Conversation, and shall be accepted by the major Part of the Town, or by the Authority in and Select-men of the Town. And no Stranger or transient Person shall be allowed to reside or make his or her Abode in any Town in this State, (Apprentices under Age and Servants bought for Time excepted) upon Pretence of hiring or being hired, or of Tenantship, or Inmates, without the Approbation of the Authority in and Select-men of such Town.

To be of honest conversation, &c.

No stranger to make an abode without liberty, &c.

That if any Person or Persons shall contrary to the Intent of this Act, entertain or hire any Stranger or transient Person, or let any House or Land to such Stranger or transient Person, except he or they shall first give Security to the Acceptance of the said Authority and Select-men, that such Town shall not be burthened and charged by him or them; which Security such Authority and Select-men may take or refuse at their Discretion; he or they so entertaining, or hiring, or letting any House or Land to such Stranger or transient Person, shall forfeit and pay to the Treasurer of such Town, the Sum of *ten Shillings per Week*, for every Week he or they shall harbour, entertain, hire, or let such Estate to such Person.

No Person to hire such, & without giving bond.

Penalty.

And if any such Stranger, or transient Person shall, contrary to the Intent of this Act, make his or her Abode within any Town in this State, every such Person shall forfeit and pay to such Treasurer *Ten Shillings per Week*, for every Week that he or she shall continue in such Town, after Warning given to him or her, by order of the Select-men of said Town; or upon their Request, by Warrant from Authority to depart such Town, (which Warning the Select-men are impowered to order, or give): And the said Authority, on Request as aforesaid, is impowered to issue a Warrant to the Constable, to warn such Persons to depart, as aforesaid.

Transient persons being warned out, to depart, on penalty, &c.

And when any such Stranger or transient Person, who shall be convicted of the Breach of this Act, and hath no Estate to satisfy the Fine, such Person shall be whipped upon his naked Body, not exceeding ten Stripes; unless he or she depart the Town within ten Days next after Sentence given; and reside no more therein without Leave of the Select-men.

If unable to pay, to be whip'd.

Any one Assistant or Justice of the Peace, to hear and determine the Breach of this Act.

Be it further enacted by the Authority aforesaid, That whosoever shall entertain such Stranger, or transient Person or Persons for the space of four Days, and the said Person shall, when so entertained, be reduced by Sickness, or other Accident, to necessitous Circumstances, whereby he, she or they shall want Relief, the Person so entertaining such Stranger, or transient Person or Persons shall support and sustain the Charge thereof; excepting only when the Person entertaining as aforesaid, hath within the said four Days, given sufficient Notice thereof to the Select-men of the Town; in which Case, if the Select-men do not use proper Methods to save the Town from Charge, then it shall be defrayed by such Town.

When sick how supported.

Penalty on persons selling land, &c.

*Be it further enacted by the Authority aforesaid,* That if any Person or Persons within any Town in this State, shall sell or convey any Land to any Person or Persons, who contrary to this Act, would under Colour of such Purchase, make his, her or their Abode in such Town; he or they selling as aforesaid, shall for every such Offence, forfeit and pay as a Fine, the Sum of *ten Pounds*; one Moiety to the Town Treasury where such Land lies, and the other Half to him who shall complain of and prosecute the same to effect.

Civil authority to order vagrants to depart.

*And be it further enacted by the Authority aforesaid,* That the civil Authority, when and so often as there shall be Occasion in any Town, shall be and they are hereby impowered to order any vagrant, suspected or transient Person or Persons to be sent back, from Constable to Constable, to the Town, Place or Places from whence he, she or they came; unless such Person or Persons produce good Certificates of their good Behaviour, and Freedom from all Engagements, and that they are at Liberty to remove themselves as they shall see meet.

And that said Authority may in like Manner remove any Stranger or transient Person or Persons who shall neglect or refuse, or be unable to depart such Town after Warning given, as before in this Act is provided.

Returning, to be whipt.

And if any such Persons shall return after such sending back, as aforesaid, and abide and continue in said Town from whence sent, after Warning given them to depart, they shall be whipt on the naked Body, not exceeding ten Stripes; and may again be sent and dealt with as aforesaid, as often as there shall be Occasion.

Select men to prosecute &c.

And the Select-men in the respective Towns in this State, are hereby impowered and directed to prosecute all Breaches of this Act.

Persons may remove from one town to another, &c.

*And be it further enacted,* That any Inhabitant of any Town within this State, may, for the better Support of himself or Family, have Liberty to remove with his Family into any other Town in this State, and continue there without being liable to be removed, provided such Person procure a Certificate in Writing, under the Hands of the civil Authority in and Select-men of the Town from whence he removes, that he is a legal Inhabitant in that Town, and lodge the same with the Clerk of the Town to which he removes. And in Case such Person or any of his Family, stand in Need of Relief from said Town, he or they shall be supported at the Cost of the Town where such Person was settled and obtained a Certificate as aforesaid; and may be returned back to such Town, provided such Person hath not been admitted an Inhabitant, or gained a Settlement, as before in this Act is provided, in any other Town, after such Certificate was given.

Proviso.

When chargeable, how supported.

*Provided nevertheless,* That Persons coming to reside in any Town as aforesaid, they and their Estates shall be as liable to be taken under the Care of the Select-men of the Town where they dwell, for Mismanagement, Idleness or bad Husbandry, agreeable to the Law in that Case provided, as if they had a legal Settlement in such Town; and nothing in this Act shall be construed to hinder such Towns from ridding themselves of any Vagrant, or Persons whom such Town, or the Authority therein, or the Select-men thereof shall judge to be of disorderly, ungoverned or vicious conversation.

Proviso.

No person without certificate, may abide, &c.

*And be it further enacted,* That any Inhabitant of any Town in this State, who shall go to reside in any other Town in this State, without having a Certificate as aforesaid, may be removed and sent back to the Town to which he or she belongs, in like Manner as is before provided in this Act for the removal of any Stranger, or transient Person: Provided such Person shall not have continued in such Town one Year before Warning given to depart, or one Year after such Warning, without being prosecuted as aforesaid.

## An Act for the equal Division and Distribution of Insolvent Estates.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That when the Estate of any Person deceased shall be insolvent, or insufficient to pay all the just Debts which the deceased owed, the same shall be sold, and the avails thereof be divided and distributed to and among all the Creditors, in Proportion to the Sums to them respectively owing, so far as the Estate will extend, saving that the Debts due to this State, and for Sickness, and necessary funeral Charges of the deceased are to be first paid.

Insolvent estates to be equally divided, &c.

except.

And the Executor or Administrator appointed to administer on any such insolvent Estate, before Payment be made to any Person, (except as before excepted) shall represent the Condition and Circumstances thereof unto the Judge of the Probate of Wills and granting of Administrations, who shall nominate and appoint two or more fit and indifferent Persons, to make a true and equal Appraisalment of such Estate, and administer the Oath by Law prescribed to them for that Purpose, and shall also nominate and appoint two or more fit Persons to be Commissioners, with full Power to receive and examine all the Claims of the several Creditors, and how they are made out and evidenced; which Commissioners shall be sworn according to Law, and cause the Times and Places of their Meetings for attending the Creditors, in order for the receiving and examining of their Claims, to be made known and published, by setting up or posting Notifications thereof in some public Places in the Town where such deceased Person last dwelt; and also by advertising the same in one or more of the public News-papers in this State, and any further Notice that the Court of Probate may order: And the said Judge of Probate shall allow six, ten or eighteen Months (as the Circumstances of the Estate may require) for the Creditors to bring in their Claims and prove their Debts: At the End of which Time limited as aforesaid, such Commissioners shall make their Report, and present a List of all Claims to such Judge, who shall order them a meet Recompence out of the Estate for their Care and Labour in that Affair.

Executor or administrator's duty, &c.

Commissioners to be appointed, &c.

And if on the Report of the Commissioners, such Estate shall appear to be insolvent, the Judge of Probate to whom such Report is made, shall order and set out to the Widow of the deceased, (if any be) such necessary household Goods as are mentioned in the Law, entitled, "*An Act for directing and regulating the laying and serving Executions*," to be exempted from Execution; which Goods so set out, shall be her own Property. And the Judge shall also order the Widow's Dower to be set out according to Law: And the Residue and Remainder of said Estate, both real and personal, (including that set out for the Widow's Dower, and under the Incumbrance of her holding it for Life) the Judge of Probate shall order and direct the Executor or Administrator, or Executors or Administrators appointed to administer on such Estate, to sell in such Way and Manner as to the Judge shall appear safest and most for the Benefit of the Creditors. And such Executors and Administrators, being so ordered and directed, shall have full Power and Authority, and they are hereby authorized and empowered to make Sale thereof, and to make and execute legal and proper Conveyances to the Purchasers, which shall be good Evidence in Law for their holding the same accordingly. And such Sales being made, the said Executors and Administrators shall render Account to the Judge of Probate of the Amount thereof, and the Monies arising thereby. And the Judge shall thereon order full Payment to be made of the Debts due to this State, and for Sickness, necessary funeral Expences, and incident Charges of setting and selling the Estate: And the Residue to be paid to the several

If on report of commissioners the estate proves insolvent, how to proceed.

Creditors who have made out and evidenced their Claims according to the Directions of this Act, as aforesaid, in Proportion to the Sums to them respectively owing.

*Provided always,* That notwithstanding the Report of any such Commissioners, or allowances thereof made by the Court of Probate, it shall and may be lawful to, and for the Executors or Administrators aforesaid, to contest the Proof of any Debt at the common Law.

And no Process in Law (except for Debts due to this State, and for Sickness, and funeral Charges) shall be admitted or allowed against the Executors or Administrators of any insolvent Estate, so long as the same shall be depending as aforesaid.

And in case Judgment shall be rendered against any Executors or Administrators of any insolvent Estate, Execution thereon shall be stayed until such Estate can be settled according to this Act: And the judgment Creditor shall take no more than his Proportion of the said insolvent Estate with the other Creditors; and in Case that be not paid on the Settlement of the Estate, such Creditor shewing the same, and producing a Certificate of his Proportion, the Court shall order Execution on such Judgment for no more than the Proportion aforesaid.

And whatsoever Creditor shall not make out his or her Claims with such Commissioners, before the full Expiration of the Time set and limited for that Purpose, as aforesaid, such Creditor shall forever after be debarred of his or her Debt; unless he or she can shew or find some other or further Estate of the deceased, not before discovered and put into the Inventory.

An Act for constituting Judges and Justices of the Peace in this State, and for empowering and directing them in their respective Offices.

*Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same,* That the Judges of the Superior Court, and the Judges of the County Courts, and Courts of Probate which now are or hereafter shall be erected and constituted in this State, being first appointed by the General Assembly of this State, shall be respectively sworn to a faithful Discharge of their Office; and shall also be commissioned and authorized to the Execution of their respective Offices, by a Commission signed by the Governor of this State for the Time being, and sealed with the State Seal.

And that the Justices of the Peace in each County in this State, being first appointed by the General Assembly, shall also be commissioned in the Manner aforesaid, to the Execution of such Office; and shall be sworn to a faithful Discharge of the same.

And that the said Judges and Justices of Peace, appointed, commissioned, and sworn, as aforesaid, shall be, and they are fully authorized and empowered to exercise and execute the Office, Duty, and Trust to which they are or shall be appointed, commissioned and sworn, as aforesaid, to every Purpose and Intent, according to the Nature, End and Design of their respective Offices, according to the Laws of this State, for the common Good and Peace of the State, and the doing equal and speedy Justice to the People therein: And all such Commissions shall remain in Force till called in, or superseded by Act of the General Assembly.

And be it further enacted by the Authority aforesaid, That the Governor, Lieutenant-Governor, and every Assistant in this State for the Time being, may, and hereby are fully authorized and empowered to exercise and execute the Office of a Justice of the Peace, in and throughout this State.

And that every Justice of the Peace shall have Authority to issue Process, to be served in any Part of this State, to apprehend and bring before him, any Person against whom Complaint is made for any criminal Offence, for which he ought to be brought before such Justice for Trial or Examination; and may in like Manner grant Summons or *Capias* for Witnesses in such Cases.

A Justice to issue process, &c.

And any Sheriff, Sheriff's Deputy, or Constable, to whom such Process, Summon, or *Capias* shall be directed by Name and Office, shall and may execute the same at any Place within this State, where the Person or Persons against whom the same issued, are not to be found within the official Precinct of such Officer. And the Authority granting such Process, Summon or *Capias*, if it be judged necessary, may direct the same to some suitable indifferent Person, who shall have the same Power to execute the same, and command Assistance, as Sheriffs and Constables by Law have to execute Warrants to them directed.

Sheriffs and constables power extended, &c.

That when-ever the Judge of any County Court shall be absent out of this State, or be by Sickness, or otherwise unable to attend the Duty of said Office, the senior Justice of the Quorum in such County, who shall be present, and able to attend the Business, shall be invested with all the Powers and Authorities of Judge of said Court, to all Intents and Purposes.

Judge of C. court being absent, &c.

*And for preventing all Occasions of partial and undue Proceedings in Courts, and avoiding Jealousies that may arise concerning Judges and Justices :*

It is further enacted by the Authority aforesaid, That in every Case of a Civil Nature, between Party and Party, where there shall be so near a Relation between any Judge or Justice, and any of the Parties, as between Father and Son, either by Nature or Marriage, Brother and Brother in like Kind; Uncle and Nephew; Landlord and Tenant; such Judge or Justice shall have no Power to vote, or give Sentence therein,

In what case a judge or justice may not judge.

And be it further enacted by the Authority aforesaid, That any one Assistant or Justice of the Peace shall have full Power, and they are hereby authorized and empowered to take and accept a confession and Acknowledgement of any Debt, from a Debtor to his Creditor; either upon, or without an antecedent Process, as the Parties shall agree; which Confession shall be made only by the Person of the Debtor himself: And on such Confession so made, the Assistant or Justice shall make a Record thereof, and thereon grant out Execution in due Form of Law. And if such Executions shall be levied on the Lands of any such Person confessing, as aforesaid, according to the Laws directing the levying Executions on Lands, the same shall be recorded in the Records of the Town wherein the Land is situate, and being so done and recorded, shall be a good Evidence of a Title to such Creditor or Creditors for whom it shall be taken as aforesaid, their Heirs and Assigns. *Provided*, No Confession shall be made or taken in the Manner aforesaid, for more than the Value of Twenty Pounds, Debt, and the Cost of taking such Confession, or which may have arisen on an antecedent Suit for such Debt, the same being agreed to by Debtor and Creditor.

One assistant or justice may take a confession, &c.

and grant out execution, &c.

Provido.

[This Paragraph next above recited, was made and passed in the General Assembly held on the second Thursday in May, Anno Domini, One thousand seven hundred and forty-two; with this Difference,---That in the Place of the Words, "*recorded in the Records of the Town wherein the Land is situate,*" was inserted these Words, "*returned to, and recorded in the Office of the Clerk of the County Court, in the same County where such Land lieth.*"]

An Act for providing and regulating of Jurors in Civil Actions.

Jury-men  
how & when  
chosen.

Qualification  
of jurors.

Box to be  
provided.

Clerks to is-  
sue warrants  
to summon  
jury.

Jury when  
to attend.

Constables  
duty in draft-  
ing jury, &c.

Sick or ab-  
sent.

Jury warrant  
to be timely  
returned.

Penalty on  
jurors for not  
appearing.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Civil Authority, Select-men, Constables and Grand-jury-men in the several Towns hereafter in this Act named, shall sometime in the Month of *January*, annually, meet together; and when so met, shall choose to serve as Jury-men at the several Superior and County Courts, in that County to which such Towns respectively belong, such a Number of their able, judicious Freeholders as is hereafter in this Act prescribed: Each of which Freeholders shall have a Freehold Estate, rated in the general List at *Fifty Shillings* or more.

And that in each of the said Towns hereafter named, there shall be a Box provided at the Cost of the Town, with a Lock to it, and lodged in the Town-Clerk's Hands; and when the Jury-men are chosen, as aforesaid, the Town-Clerk shall write each Man's Name so nominated, on a piece of Paper by itself; and put the several Names so written, in the said Box, and keep the same locked in his Hands, that the said Names may be drawn as hereafter provided.

Be it further enacted by the Authority aforesaid, That some convenient Time before the sitting of the aforesaid Courts, the Clerk of the Superior, and of the respective County Courts in this State, shall issue out Warrants, directed to either of the Constables of the several Towns hereafter named; or to some of them in the County in which the Court is to be held, to summon and warn so many able, judicious and lawful Freeholders of their Town as the Warrant directs, to attend and serve as Jurors at such Court.

And the Jurors for the Superior Court, shall be summoned to attend at two of the Clock, on the first Day of the Sessions of such Court.

And the Jurors for the County Courts, shall be summoned to attend at eight of the Clock, on the third Day of the Sessions of said Courts.

And when any Constable shall receive any such Warrant, to summon any certain Number of Jury-men to attend and serve as such, at any of the said Courts, he shall repair to the Town-Clerk, and in his Presence, (or in his Absence, in the Presence of one of the Select-men of such Town) draw out of the Box aforesaid, the Number his Warrant directs him to summon, without seeing those whose Names he draws before he draws them; and having so done, shall then proceed to summon those Men for Jury-men whose Names he has so drawn.

But if any or all of the Men whose Names are thus drawn, be at the Time either from Home or sick, or otherwise unavoidably hindered from attending such Court, his or their Name or Names shall be returned into said Box, and others in his or their Room, drawn and summoned in Manner aforesaid.

And the Constable shall make timely Return of his Warrant, unto the Clerk that granted the same, with an Indorsement thereon, certifying whom he has summoned for the Purpose aforesaid; on Pain that every Constable failing of his Duty therein, shall forfeit and pay to the County Treasurer, for the Use of the County, a Fine not exceeding *thirty Shillings*, at the Discretion of the Judges of the Court; unless such Constable shall seasonably make his Excuse to the Acceptance of said Court.

Be it further enacted by the Authority aforesaid, That if any Jury-man chosen, drawn and summoned as aforesaid, shall make Default of Appearance according to the Directions of such Warrant, he shall forfeit and pay to the Treasurer of the County wherein he dwells, the Sum of *ten Shillings*; unless the Court on hearing his Excuses made on his Behalf, shall judge them sufficient.

And the several Towns hereafter named, shall choose the Number of Jury-men to the Name of each Town annexed : Towns to choose jurors.

**For  
Hartford County.**

Hartford, Ten.  
East-Hartford, Ten.  
Weathersfield, Twenty.  
Windfor, Ten.  
Farmington, Twelve.  
Middletown, Twelve.  
Symsbury, Twelve.  
Glaffenbury, Ten.  
Hebron, Ten.  
Enfield, Eight.  
Suffield, Eight.  
Bolton, Eight.  
Chatham, Eight.  
East-Windfor, Ten.  
Somers, Six.  
Southington, Six.

**For  
New-London County.**

New-London, Fifteen.  
Norwich, Fifteen.  
Pretton, Fifteen.  
Stonington, Fifteen.  
Groton, Fifteen.  
Lyme, Fifteen.  
Say-Brook, Fifteen.  
Killingworth, Fifteen.  
Colchester, Six.

**For  
Fairfield County.**

Fairfield, Twenty.  
Stratford, Twenty.  
Norwalk, Twenty.  
Stanford, Twelve.  
Danbury, Twelve.  
Newtown, Twelve.  
Ridgfield, Six.  
Greenwich, Ten.  
Redding, Eight.  
New-Fairfield, Six.

**For  
Windham County.**

Windham, Twelve.  
Lebanon, Twelve.  
Coventry, Twelve.

Plainfield, Twelve.  
Canterbury, Twelve.  
Pomfret, Twelve.  
Voluntown, Twelve.  
Athford, Twelve.  
Mansfield, Twelve.  
Woodstock, Six.

**For  
Litchfield County.**

Litchfield, Twelve.  
Woodbury, Twelve.  
New-Milford, Nine.  
Kent, Eight.  
Sharon, Eight.  
Salisbury, Eight.  
Canaan, Eight.  
Cornwall, Eight.  
Goshen, Eight.  
Harwinton, Six.  
New-Hartford, Six.  
Torrington, Six.  
Norfolk, Six.  
Washington, Six.  
Watertown, Six.  
Winchester, Four.  
Hartland, Four.

Names of towns, and the number of jurors in each.

**For  
New Haven County.**

New-Haven, Twenty.  
Wallingford, Nine.  
Milford, Twelve.  
Branford, Ten.  
Guilford, Twelve.  
Durham, Six.  
Derby, Six.  
Waterbury, Six.  
Cheshire, Six.  
Woodbridge, Six.

And each of the other Towns in this State shall choose Six Jury-men.

And if any of the said Towns shall neglect or refuse to provide such Box, or Penalty on the Officers aforesaid shall neglect to choose such Jury-men as herein provided, each town for such Town shall forfeit and pay to the Treasurer of the County to which it belongs, the Sum of Fifty Shillings ; to be recovered on Information made by the State Attorney of that County, to the County Court ; in which Trial no Appeal shall be allowed. each town for neglecting to choose jury-men.

And be it further enacted by the Authority aforesaid That if it shall so happen that a sufficient Number of Jurors summoned, as aforesaid, do not appear, or if by reason of Challenges, or for other Cause, there shall not be a sufficient Number of lawful Men to make up the Pannel or Pannels ordered by the Court to attend the same, the Court shall order the Jury or Juries to be made, or filled up, *de talibus Circumstantibus* ; or for want of such, of any good and lawful Freeholders in the County ; whose Names shall be returned by the Sheriff : And where the Sheriff is concerned, or related to either of the Parties in the Case, by the Constable, or such Officer as the Court shall appoint : Which Jurors being so returned, shall attend the Service, on the Penalty above ordered, to be inflicted on those who make default of Appearance. Court to order the jury filled up, when the number is insufficient,

And be it further enacted, That every Constable that shall summon such

Fees for sum- Jurors as aforesaid, shall be allowed therefor (save only for return of such Sum-  
 moning jury. mons) the same Fees for Travel and Serving, as are by Law allowed in Pro-  
 cesses in Civil Causes; to be paid out of the County Treasury of the respective  
 Counties, where such Jurors are to attend the County Courts; and out of  
 where paid. the State Treasury when such Jurors are summoned to attend the Superior  
 Court.

An Act for remanding Persons who have committed Crimes  
 in other States, and to escape from Justice flee into this  
 State.

**B**E it enacted by the Governor, Council and Representatives, in General Court  
 assembled, and by the Authority of the same, That if any Person or Persons  
 Persons con- that have been convicted of any Crime in any other State, for which Facts cor-  
 victed of poral Punishment might be inflicted if committed in this State, and (before  
 crimes in he or they have received condign Punishment) shall escape, and flee into  
 other states, this State; or having committed any such Crime, and being pursued by order  
 not suffered of Authority, to bring him or them to Justice; such Offenders may be ap-  
 to abide in prehended, by order of the Authority: And if on Examination before lawful  
 this state. Authority, and enquiry into the Matter, it shall appear that such Person  
 how proceed- or Persons have been convicted, and have escaped; or are flying from  
 ed with. Prosecution as aforesaid; he or they may be remanded back, and deliver-  
 ed to the Authority, or Officers of the State from whence such Escape is made;  
 in order that due and condign Punishment may be inflicted on such Of-  
 fenders.

And in case no such Pursuit is made, any Assistant or Justice of the Peace,  
 or the Select-men of the Town where such Person resides, may warn him to de-  
 part out of this State: And in case such Person shall continue in this State one  
 Penalty. Month after such Warning, he shall pay a fine of Five Pounds for the Use of  
 this State; and Five Pounds per Month, for every Month that such Person  
 shall continue in this State after the first Conviction. Provided, that all Pro-  
 secutions on this Act, shall be within three Years next after such Person esca-  
 pings, as aforesaid, came into this State.

### An Act (or Acts) about the tenure of Lands.

**I**T is ordered and enacted, by the Governor, Council and Representatives, in  
 General Court assembled, and by the Authority of the same, That whatsoever  
 Lands have been, or shall be granted by the General Assembly of this Colony,  
 The tenure to the respective Townships, or to any particular Person or Persons by the said  
 of our lands. Assembly, or by particular Towns, shall be held to them, their Heirs, Suc-  
 cessors and Assigns forever, according to the most free Tenure of East-Green-  
 wich, in the County of Kent, in the Realm of England, according to our Char-  
 ter Grant.

[This Act was passed in the General Assembly, October the tenth, One thou-  
 sand six hundred and seventy-two.]

And be it further enacted by the Authority aforesaid, That all Grants of Land  
 made to any particular Person or Persons, not yet taken up and laid out, shall  
 be taken up in one entire Piece, in a suitable Form, except by special Liberty  
 from this Court: And that all former Grants that are, or shall be laid out by  
 Order, shall be sufficiently bounded, and so maintained, to prevent all future  
 Trouble.

[This Act was passed at the Sessions of the General Assembly, May the eight,  
 One thousand six hundred and seventy three.]

*And that every Township's Grants of Lands, as they have been obtained by Gift, Purchase, or otherwise of the Natives, and Grant of this Court, may be settled upon them, their Heirs, Successors and Assigns for ever, according to our Charter, granted by His late Majesty of happy Memory.*

*Be it further enabled by the Authority aforesaid, That every Town in this Colony, shall take out Patents for their said Grants, of the Governor and Company; which this Court doth hereby Order, shall be granted to them, for the holding of such Tracts of Land as have been formerly, or shall be hereafter granted to them by this Court, and to their Heirs, Successors and Assigns, firm and sure, according to the Tenure of our Charter, in free and common Socage: and not in Capite, nor by Knight Service; which Patents shall be sealed with the Seal of the Colony, and signed by the Governor, and by the Secretary, in the Name of this Court, and entered upon Record: Which Patent, or a Record thereof, shall be a sufficient Evidence for all and every Township that hath the same, to all Intents and Purposes for the holding the said Lands firm to them, their Heirs, Successors and Assigns forever: The like Course may be taken for all Farms granted to any Person or Persons whatsoever within this Colony.*

Every town to take out a patent.

*[The Act next above recited was passed in the General Assembly, May the fourteenth, One thousand six hundred and eighty-five.]*

*And for securing Estates given to charitable Uses:*

*Be it enacted and ordained by the Authority aforesaid, That all such Lands, Tenements, Hereditaments and other Estates, that either formerly have been, or hereafter shall be given and granted either by the General Assembly of this Colony, or by any Town, Village, or particular Person or Persons for the Maintenance of the Ministry of the Gospel in any part of this Colony, or Schools of Learning, or for the relief of poor People, or for any other public and charitable Use, shall forever remain, and be continued to the Use or Uses to which such Lands, Tenements, Hereditaments or other Estates have been, or shall be given and granted, according to the true Intent and Meaning of the Grantors, and to no other Use whatsoever; and also be exempted out of the general Lists of Estates, and free from payment of Rates.*

Estates given to charitable uses, to remain to those uses.

Free from rates.

## An Act (or Acts) concerning Possession of Houses, Lands, &c.

*THIS Court being sensible of the great Trouble and Contention that doth and may arise in this Colony, by reason of great Defects that are found in Records, and Aliations of Houses and Lands; that due Form of Law not being lawfully attended, which is requisite in such Affairs.*

Preamble.

*For the Prevention whereof, and that future Trouble may be avoided, and that Righteousness and Justice may be maintained:*

*Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That what Person or Persons soever, that hath either Himself, his Grantee, or Assigns, stood possessed in his or their own proper Right in Fee Simple, of any Houses or Lands within this Colony, without being interrupted by any Person or Persons laying Claim thereunto, and prosecuting their Claim in due Form of Law, some Time betwixt the Publication hereof, and the last of November, One thousand six hundred and forty-eight,; such Person or Persons so possessed of any Houses, parcel or parcels of Land, as aforesaid, have Power to enter and record the same to him or themselves, and his or their Heirs and Assigns forever, in the Book of Records of that Town where the said Houses and Lands lie, paying unto a meet Recompence to the Recorder for his Pains; and a Record un-*

Persons having possessed any estate from, &c.

der the Recorder's Hand, and one of the Select-men of that Town, and an Assistant or Justice of the Peace, shall be a sufficient and legal Evidence to all and every Person and Persons that shall have the same, to all Intents, Ends and Purposes, for the holding of the same firm to him or them, his or their Heirs and Assigns forever.

*Provido.* *Provided,* This Law includes not Orphans under Age, Proprietors in foreign Parts, who possibly may be incapacitated to make good their Claims within the fore-mentioned limited Time.

[*This AB was made May the ninth, One thousand six hundred and sixty seven.*]

*And for quieting of Men's Estates, and avoiding of Suits :*

*Time limited for making entry on land, &c.*

*It is enacted and ordained by the Authority aforesaid,* That no Person or Persons that now have any Right or Title of Entry into any Lands, Tenements or Hereditaments within this Colony, now with-held from him or them, shall thereinto enter, but within three Years after the tenth of *June* next, or within fifteen Years next after any other Title of Entry accrue ; and that no Person or Persons shall at any Time hereafter make Entry into any Lands, Tenements, or Hereditaments within this Colony, but within Fifteen Years next after his or their Right or Title, which shall hereafter first descend or accrue to the same ; and in default thereof, such Persons so not entering, and their Heirs, shall be utterly excluded and disenabled from such Entry after to be made.

*Or be forever debarred.*

And that all such Persons as have had Right or Title of Entry into, or cause of Action for any Lands, Tenements, or Hereditaments within this Colony, hitherto detained from him or them, since the ninth of *May, One thousand six hundred sixty and seven* past, and till the tenth of *June* next, and neglected hitherto to make his or their Entry, and to sue out to Effect, his or their said Right or Title, shall forever hereafter be utterly excluded and disenabled from such Entry or Suit to be made ; any former Law, Usage, or Custom to the contrary notwithstanding.

*Provido.*

*Provided nevertheless,* That if any Person or Persons that is or shall be intitled to, or that hath, or shall have such Right or Title of Entry into any Lands, Tenements, or Hereditaments in this Colony, be, or shall be at the Time of the said Right or Title first descended, accrued, come or fallen, within the Age of Twenty-one Years, *Feme Covert, non compos Mentis*, imprisoned or beyond the Seas, that then such Person and Persons and his and their Heir and Heirs, shall or may, notwithstanding the said three Years, or the said fifteen Years be expired, bring his Action, or make his Entry, as he might have done before this Act. So as such Person or Persons, or his or their Heir or Heirs, shall within five Years next after his or their full Age, Discoverture, or coming of sound Mind, enlargement out of Prison, or coming into this Country of *New-England*, or Territory of *New-York*, or Death, take Benefit of, and sue forth the same, and at no Time after the said five Years.

[*The above AB was made May the eighth, One thousand six hundred and eighty-four.*]

**H**ERE follow divers other ABs about Lands, and the Titles thereto, with their several Dates, and the Times of their being made, viz.

At a General Assembly holden at *New-Haven*, the eleventh Day of *October*, Anno Domini, *One thousand seven hundred and fifteen*.

An Act for impowering the Courts of Probate to appoint meet Persons in dividing real Estates, when no Person is appointed by Will; or when those appointed refuse or neglect to make a Division.

*WHEREAS it sometimes happens that real Estate given by Will, is ordered by the Testator to be divided amongst two or more Legatees, and no Person appointed in said Will for the dividing thereof; or the Person appointed may neglect or refuse to make the said Division, or die before he hath made the same.* Preamble.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That when and as often as it so happens in either of these Cases, it shall and may be lawful for the Court of Probate in the County where such real Estate is, to appoint three Freeholders to make a Division thereof according to such Will, as the Law provides for the dividing Intestate Estates, Courts of probate to appoint three freeholders to divide real estate.

At a General Assembly holden at Hartford, on Thursday the ninth Day of May, Anno Domini, One thousand seven hundred and seventeen.

An Act concerning Purchasers of Native Rights to Land.

*THIS Assembly observing many Difficulties and Perplexities arising in this Government, by Reason of many Purchases of Land made of Indian Titles, without the preceding Allowance, or subsequent Approbation of this Assembly.* Preamble.

Which to remove :

*It is hereby Enacted and Declared by this Assembly, and the Authority thereof.* That no Title to any Lands in this Colony can accrue by any Purchase made of Indians, on Pretence of their being Native Proprietors thereof, without the Allowance or Approbation of this Assembly. No title from Indian purchase, unless, &c.

*And it is hereby Resolved,* That no Conveyance of Native Right, or Indian Title, without the Allowance or Approbation of this Assembly, as aforesaid, shall be given in Evidence of any Man's Title, or pleadable in any Court. Indian title, not pleadable in any court.

At a General Assembly held at New-Haven, the ninth Day of October, Anno Domini, One thousand seven hundred and eighteen.

An Act for the preventing unlawful Entries upon, and Alienations of the vacant Lands.

**F**ORASMUCH as divers Persons have presumed to enter upon, Improve, Dispose, and make Sale of divers Tracts of Land within the Bounds of this Colony, and belonging to the Governor and Company of the same, by Grant from the Crown of Great-Britain, under pretence of their having a Right and Property in the said Lands, without any legal Conveyance thereof first obtained from this Corporation; whereby many Persons have been greatly defrauded, great Disorders occasioned, divers Quarrels excited, very considerable Charge has been, and now is like to be brought upon the Government, and the orderly Settlement of Plantations frustrated: Which Mischiefs are likely to continue, and increase, unless sufficient Remedy be provided. Preamble.

Penalty of vol. on any persons who enter on lands before a legal conveyance.

**B**E it therefore enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That whatsoever Person or Persons shall under any pretence enter upon any part of said Land, claiming Right, or improve, dispose of, and alienate any Tract or Parcel thereof; before he or they shall obtain a legal Conveyance from this Corporation of the same, shall incur the Penalty of Ten Pounds for every such offence: To be recovered in any of the Courts of Common Pleas within this Colony; one Moiety of which Penalty shall be to the Treasury of the Colony, and the other Moiety to him or them who shall prosecute the same to effect.

Or having already entered, &c. the like penalty.

And whatever Person or Persons have entered claiming, and improved any Part or Parcel of such Land, and shall continue so to do, at any Time after one Year next ensuing the End of the present Sessions of this Assembly shall be expired, shall incur the like Penalty for every such Offence: To be recovered and disposed of in like manner; and so, as often as any of the said Offences shall be committed.

Entry and possession, not make a title.

And it is hereby further declared and enacted, That no Person or Persons shall be taken, or esteemed by any Entry or Possession whatsoever, to make to him or them a Title to any public Lands, or such as have not been legally conveyed by the Governor and Company of this Colony.

Provido,

Always provided, Nothing in this Act be construed to respect any Lands in any Township within this Colony, except in the Township of Ashford.

At a General Assembly held at New-Haven, the eighth Day of October, Anno Domini, One thousand seven hundred and nineteen.

An Act for preventing great Inconveniences which may happen by the loss or uncertainty of the Bounds of Land.

Proprietors having lost their bounds, 3 freeholders to be chosen, and sworn to set up and fix the bounds, &c.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That when the Proprietors of adjoining Lands, have lost their Bounds, and cannot agree to the fixing of them, upon Application made by One or more of said Proprietors to an Assistant or Justice of the Peace, such Assistant or Justice of the Peace, (notice being first given to the Proprietors concerned in the said Lands that they may be heard, if they see cause) shall appoint Three Free-holders, being Persons disinterested; which Free-holders, or any Two of them, being first sworn by the said Assistant or Justice of the Peace, to act with impartiality therein, shall have Power, and are hereby empowered, to set up and fix such Bounds between them; and the Bounds which shall be so fixed, shall be entered in the Records of the Town where such Lands lie, and remain the Bounds of such Lands; and the whole Charge that shall arise by the settling such Bounds as aforesaid, shall (being allowed by such Assistant or Justice of the Peace) be recovered if need be, by Distress granted by the said Assistant or Justice, against such Proprietor or Proprietors as shall make Application as aforesaid.

Provido,

Provided nevertheless, That if any such Proprietor or Proprietors of Land be dissatisfied with the Bounds so fixed, nothing in this Act or any Proceedings thereon, shall be understood to hinder such Proprietors from bringing any Action whatsoever, for the maintaining of his right to, or recovering the Possession of such Land, as by the setting up such Bounds as aforesaid, shall be taken or with-held from him.

Provided also, That when the Bounds so set up shall happen to take any

Land from any Proprietor, which he has for any Time held Possession of against the other Proprietor; nothing in this Act, or any Thing done therein, shall be taken to disseize such Possessor, but whensoever any Action is brought against such Possessor, by the other Proprietor, to recover from him Possession of said Land; if such Possessor shall not prove upon the Trial, that the Bounds, or Line which he Claims to hold to, are the just and true Bounds, Judgment in the said Action shall be given for the said Proprietor to recover the Possession, according to the Bounds set up as aforesaid.

Proviso.

And it is further enacted by the Authority aforesaid, That the said Three Freeholders shall take this following Oath, *Viz.*

Freeholders to take an oath.

**YOU** A. B. and C. being appointed to renew, revive, and set up Bounds between the Land of D. E. and F. G. at according to the true, real, and just Right of the said Parties: You and each of you do swear by the Name of the Everliving GOD, that having heard the Pleas of the said Parties, and Evidences given in by them relating to the said Bounds; all Prejudice and Partiality being laid aside, you will erect the said Bounds according to the true and just Right of the said Parties, by your best Skill and Judgment. *So help you God.*

The form.

### An Act concerning Witnesses to Wills.

**BE** it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That no Wills or Testaments bearing Date at any Time after the first Day of January next ensuing the End of the present Sessions of this Assembly, wherein there shall be any Devise or Devises of real Estate, shall be held good and allowed for any such Devise or Devises, if they are not witnessed by Three Witnesses; all of them signing in Presence of the Testator.

Wills to be witnessed by three witnesses, in presence of the testator, or else void, as to devises of real estate.

At a General Assembly held at Hartford, the twelfth Day of May, Anno Domini, One thousand seven hundred and twenty.

### An Act to enable Guardians to divide Lands, &c.

**WHEREAS** there are many Parcels of Land in this Government, which have been, and still are held by several Persons in Partnership, or as Tenants in Common, or in Joint-Tenancy: And it hath often so fallen out, that one of the Partners or Tenants have died before any Division hath been made, and their Heirs left to inherit such Lands, being Minors; whereby the surviving Partners or Tenants are hindered in their Improvement.

Preamble.

Which to prevent:

**BE** it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Guardians of all Minors shall, and are hereby (with the Assistance of such Persons as the Court of Probate shall for that end appoint) fully empowered to make Division of any such Land with the surviving Partners or Tenants, as fully and amply as the original Partners and Tenants might or could have done: And all such Minors, their Heirs and Assigns shall be firmly bound and concluded by any such Division made by their Guardians.

Guardians to appoint persons to make division of lands with surviving partners.

And the several Courts of Probate are hereby directed, upon the Application of such Partner or Tenant, or Guardian to any Minor, to appoint any suitable Persons to assist such Guardians in making Division as aforesaid.

Court of probate to appoint persons to assist guardians, &c.

All persons, &c. And all Persons having Right in any such Land, upon such Appointment, shall forthwith come to a Division of the same.

At a General Assembly held at *New-Haven*, the thirteenth Day of *October*, Anno Domini, *One thousand seven hundred and twenty*.

### An Act for the Partition of Lands, &c.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That all Persons having or holding; or that shall at any time hereafter have or hold any Lands, Tenements, or Hereditaments as Coparceners, Joint-Tenants, or Tenants in Common, may be compelled by Writ of Partition to divide the same, where the Partners cannot agree to make Partition among themselves.

*Provided always*, That this Act extend not to Town-Commons or sequestered Lands.

Lands held in partnership to be divided by writ of partition.

Provide.

At a General Assembly held in *New-Haven*, on the eleventh Day of *October*; Anno Domini, *One thousand seven hundred and twenty two*.

### An Act for preventing Trespasses on the Lands of this Colony, by illegal Purchases thereof from the Indians.

**W**HEREAS this Assembly have been informed, that notwithstanding the ancient Laws of this Colony to the contrary, some Persons have pretended to purchase of Indians their Rights as Natives, of many considerable Tracts of Land lying within this Colony: And although all such Deeds when obtained without the Leave and Consent of this Assembly, are by the said Law declared to be ipso facto, void. Yet under colour of such Deeds, Persons unacquainted with the said Laws may be imposed upon, deceived, and greatly wronged, as well as the Settlement of such Lands in Plantations, pursuant to the End expressed in our Charter, hindered.

Preamble.

For the prevention whereof:

**B**E it enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That whosoever shall presume to purchase any Lands within the Bounds of this Colony, of any Indians whatsoever, without the Leave of this Assembly hereafter first had and obtained, under colour or pretence of such Indians being the Proprietors of said Lands by a Native Right; or shall having purchased of any Indians, Lands in such manner, without leave of this Assembly first had, or the Confirmation of this Assembly afterwards obtained, presume to make any Sale of, or any Settlements upon any Lands so purchased, every Person who shall in any such manner transgress, and be thereof convicted in the County Court, or in the Superior Court of that County where such Lands shall lie, shall incur the Penalty of *Fifty Pounds* to the Treasury of this Colony.

Penalty of £50, to purchase land of Indians.

Persons who are wronged by such sales, to receive treble damages. And whatsoever Person or Persons shall suffer any wrong by Means of such Sale or settlement, as aforesaid, shall recover in either of the said Courts, upon Proof of such wrong by him suffered, Treble Damages against the Person or Persons so wronging of him.

At a General Assembly held at *Hartford*, the ninth Day of May, Anno Domini, *One thousand seven hundred and twenty-three*.

An Act for the better establishing and Confirmation of the Titles of Land anciently obtained in Townships, according to the manner or custom heretofore used ; and for preventing contentions about the same.

WHEREAS it was anciently customary for Towns to be settled, and the Lands in them contained, to be disposed of, by Division, or otherwise, to particular Persons, or special uses by the Inhabitants of the said Towns in Town Meeting assembled ; after which custom or manner, particular Persons obtained to themselves certain Quantities of the said Land, which they held and disposed of as their own proper Estate of Inheritance ; and other Quantities, or Parcels of the said Land in such Towns which remained in Common, without being divided or disposed of to any Person or Use whatsoever, were still considered and allowed to be in the disposition of the said Inhabitants assembled in such Town-Meetings, by the major Vote of these present.

Preamble.

And whereas it was afterwards thought needful that the Properties and Estates obtained in the aforesaid Manner or Custom within our Townships, should be confirmed to the several Proprietors of them, and ratified by Deeds or Patents under the Seal of this Colony, to them and their Heirs forever, (inasmuch as his Majesty King *CHARLES* the Second, had under the Great Seal of *England*, granted the whole Tract of Land, comprehending said Townships, to the Governor and Company of this Colony) that the Proprietors of such Estates so obtained and held by vote and consent of such Towns in their Meetings, might be thereby furnished with uncontestible Evidence of their having and holding the same under the Crown of *Great-Britain*.

By means of which deeds or Patents so granted to such Persons, who were also according to the ancient custom or manner of disposing of Lands in our Town-Meetings, the true and lawful Owners and Possessors of such Estates, the said Lands which they held in such Towns, either in severalty or in common, became both by custom, and by Seal of this Colony, an undoubted lawful Estate of Inheritance, to them and their Heirs ; and the undivided and common Lands in such Towns, such Proprietors might have divided immediately among themselves, or otherwise disposed of agreeably both to the ancient Custom, and the Title ratified and confirmed by the said Deeds or Patents, and not suffered any other Persons to have any Part in them or any Right or Title to vote or act in the dividing or disposing of such common Land.

And whereas notwithstanding the said Deeds or Patents obtained, the Proprietors of such Common Lands, who had according to the ancient custom such an Estate in them, that they might divide them among themselves, or otherwise dispose of them ; and had also obtained by Patent a Grant and Confirmation of the Estate which they had in those common Lands, as well as in their

particular Properties, to themselves and their heirs forever, by Virtue of which they had just Power and Right to act and do by way of dividing or disposing of such common Lands without suffering any other Persons who should afterwards become Inhabitants of the said Towns, to be concerned and act with them therein; the said Proprietors did for a considerable number of Years in many of our Towns, truly consent and agree that the said common Lands might in whole or in part be actually divided or disposed of by the major Vote of the Inhabitants of such Towns in Meeting assembled, and did themselves act and vote with others in such Town Meetings, in the dividing and disposing of such common Lands, by means of which Acts and Votes many Persons have obtained particular Estates to themselves, which if they should be called in Question and defeated because not obtained by the sole Act of the said Proprietors, would be contrary to the true intent and meaning of the said Proprietors, and prove very prejudicial to those Persons or their Heirs, who have been brought into them with the real Consent of the said Proprietors, by which real Consent, said Proprietors, and all that hold under them, ought to be estopped and barred against all Pretensions or Pleas of Right which they may alledge to the contrary.

**B**E it therefore enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That all such Grants, Divisions, or Dispositions of such common Lands, made according to ancient Custom in any Town Meetings, shall be held and taken to be good and lawful, to all Intents, and as effectual in Law as if the full and ample Consent of the said Proprietors had been in any other Way than by such their Acting or real Consent obtained; and all Estates in Land obtained and holden in such Manner by the Votes and Acts of Town-Meetings, as well since as before the Confirmation of the Proprietors in such Towns, in their Estates there, by Patent under the Seal of this Colony, as aforesaid, are hereby declared to be.

Grants, &c.  
of Lands,  
heretofore  
made at town  
meetings, to  
be good and  
valid.

And to be  
held such, as  
if, &c.

*And it is hereby enacted, That they shall be accepted and taken to be good and lawful Estates to such as so have and hold them, as they might or could be if the Consent of the said Proprietors in the granting of them could be proved under the Hand and Seal of such Proprietors.*

Undivided  
lands to be-  
long to the  
proprietors.

*And it is hereby also further Declared and Enacted, That whatsoever Part or Interest the aforesaid Proprietors, by Custom as well as Deed, have in any common or undivided Lands in any Towns, which they have not by their free Consent as before expressed, or otherwise, disposed of, or suffered to be divided or disposed of, is and shall be allowed, and taken to be their proper Estate: And that no Person whatsoever by becoming an Inhabitant of such Town, or by any other Means against or without the Consent of such Proprietors, shall be taken or esteemed to have any Estate, Title, Right or Interest therein.*

Proprietors  
to meet, &c.  
choose a Clerk  
&c.

And all such Proprietors of any remaining common or undivided Lands in any Town or Place whatsoever, or such as legally represent them, are hereby allowed to have their Meetings in such respective Towns, to choose their Clerk, to enter and record their Votes and Doings, who shall be sworn before an Assistant or Justice of the Peace: And all Records of their Votes and Doings, attested by him, be admitted as lawful Evidence. And the said Proprietors in such Meetings, shall have full Power (after the ancient Custom and Manner in Towns) by their major Votes in such their Meetings, (to be reckoned according to their Interest in such Common Land) to regulate, improve, manage and divide such Common Land, in such Manner and Proportion as they shall see good.

*Provided*, That where the Proprietors in any Town have by any Vote of theirs upon Record in their Town, obliged themselves to act for the future, in any other Method in dividing the undivided Land in such Townships, such Vote being the Act of said Proprietors, shall be and remain valid and binding against such Proprietors, and their Heirs; and the undivided Lands referred to in said Vote, divided and held according to such Vote; any Thing in this Act to the contrary notwithstanding.

*Provido.*

*Also provided*, That this Act, nor any thing therein contained, shall not be taken to intend that any Power is given to any Proprietors to divide and set out any Lands sequestered for Towns Commons.

*Provido.*

An Act for enabling part of the Executors of Wills to sell Lands devised to be sold, where part of them refuse Executorship.

*WHEREAS* Lands and Tenements are by some Persons in their last Wills and Testaments, devised to be sold by their Executors after their Decease, for payment of Debts, Legacies, or other Uses.

And whereas it some Times happens that part of the Executors named by such Testator, refuse Executorship; whereby it becomes very difficult, if not impracticable to fulfil said Wills; part of said Executors not having sufficient Power in Law to sell said Lands so devised, as aforesaid.

*Preamble.*

For preventing all Disputes and Controversies that might hereafter arise concerning the Validity of such Sales:

**B**E it Enacted, Resolved and Declared, by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That all Sales of any Lands or Tenements that have heretofore been made, or hereafter shall be made within this Colony, by any Executor or Executors, being part of the Executors named by such Testator, shall be as good and effectual in the Law, where part of the Executors refuse as aforesaid, as if those who so refuse had joined in the Sale of such Lands or Tenements.

*Sales of land by executors, good & valid, altho', &c.*

*Provided*, This Act extend not to confirm any Sales of Lands or Tenements made, or that shall be made by any Executor or Executors otherwise than according to, and in fulfilment of the Will of their Testator, allowed and approved in Court: But that all Sales, Alienations, Act or Acts of any Executor or Executors tending to the Prejudice or Destruction of the Right of any Legatees to any Lands or Tenements made otherwise, shall be and remain void, and of no Force in the Law, as they were before the making of this Act.

*Provido.*

At a General Assembly held at New-Haven, on the tenth Day of October Anno Domini, One thousand seven hundred and twenty three.

An Act in addition to an Act, made and passed in the General Assembly held at Hartford, on the ninth Day of May last, intitled, "An Act for the better Establishing and Confirmation of the Titles of Land, anciently obtained in Townships, according to the Manner or Custom heretofore used; and for preventing Contentions about the same."

*WHEREAS* it is in said Act provided, "That all such Proprietors of any remaining common or undivided Land in any Town or Place whatsoever,

Preamble. or such as legally represent them, are hereby allowed to have their Meeting in such respective Towns, to choose their Clerk, to enter and record their Votes," &c.

And whereas there is no Direction given in said Act for their regular calling together such Proprietors-Meeting :

Five Proprietors may obtain a meeting to be called.

It is therefore enacted by the Governor, Council and Representatives in General Court assembled and by the Authority of the same, That when and so often as any five (or more) of the Proprietors of such Common, or undivided Lands shall judge a Proprietors Meeting to be necessary, they making Application to an Assistant, or a Justice of the Peace within the County wherein such Lands lie, for a Warrant for the calling of a Meeting of the Proprietors, expressing the Time, and Place, Occasion, and business of the Meeting : that such Assistant, or Justice is hereby impowered to grant a Warrant for such Meeting accordingly, directed to one of the Proprietors asking the same : requiring said Proprietors to warn all the Proprietors residing in said Township, of the Time, Place, and Occasion for said Meeting, at least six Days before said Meeting : and also to set up a Notification in Writing, posted up in some public Place under the Hand of such Assistant or Justice, at least twenty Days before such Meeting, together with the Time, Place, and Occasion thereof : Which Warning and Notification made and given according to said Warrant, shall be deemed sufficient Warning of a Proprietors Meeting according to said Act.

Proprietors power to call their meeting. Clerk to take an oath.

And the Proprietors in any lawful Meeting so assembled, shall have full Power to agree upon any other Way or Method for warning their said Meeting for the future, as they think fit.

And the Proprietors Clerk shall take the following Oath.

The form of the oath.

WHEREAS you N. C. are chosen Clerk of this Propriety, You swear by the Name of the ever-living GOD, that you will truly and faithfully attend and execute the Place and Office of a Proprietors Clerk for the said Proprietors, according to your best Skill, and make Entry of all such Votes as shall be made according to Law, and deliver true Copies of the same when they shall be required of you, taking only your just Fees. So help you GOD.

## An Act for preventing the Sales of the real Estates of Heiresses, without their Consent.

Preamble.

Whereas in the first Settlement of this Colony, Land was of little Value, in Comparison, with what it is now ; by which Means it became a general Custom, that the real Estate of any Person which either by Descent or by Will, became the Estate of his Daughters, whether they were seized of it at the Time of their Marriage ; or whether it descended or came to them during their Coverture, became thereby the proper and sole Estate of their Husbands, and might be by him alienated or disposed of without the knowledge or consent of such Wives ; and a great number of Estates having been thus settled, so remain to this Day.

And whereas by reason of the present Value, Usefulness and Security of real Estate, the suffering of such a Custom any longer to obtain would be attended with much Inconveniency and Wrong, although for the Time past the Custom which has obtained ought to be bolden good.

Estates settled according to former custom valid.

BE it therefore enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That all Estates

which have been alienated and settled according to the said Custom shall be, and are hereby declared to be good and valid.

And that for the future, any real Estate, whereof any Woman at the Time of her Marriage is seized as her Estate of Inheritance, or does during such Coverture, become so, either by descent or otherwise, shall not be alienable by her Husband's Deed, without her Consent, testified by her Hand and Seal to such Deed and Acknowledgement of the same before an Assistant or Justice of the Peace.

Deeds of real estate from feme covert, without the consent of her husband,

And that all Sales or Alienations of such Estate, whether absolute or conditional, which shall hereafter be made without such Consent witnessed and acknowledged, as aforesaid, are hereby declared, and made to be *ipso Facto*, void.

void.

*Provided nevertheless*, That if any Wife at the Time of such Alienation of such Estates to her belonging, did actually refuse to give her Assent to such Sale made by her Husband, that then she shall be understood and taken to hold the said Estate; and neither she, nor her Heirs shall be barred from Recovery of the same: *Provided*, They bring an Action for it within the Time limited by the Law, entituled, *An Act (or Acts) concerning Possession of Houses, Lands, &c.* any Law, Usage, or Custom to the contrary notwithstanding.

A proviso.

vide p. 111.

## An Act declaring the Exchange of Lands made by Towns or Proprietors, to be good and valid.

*WHEREAS* some Persons have in Time past, moved to several Towns in this Colony, to exchange Lands with them, for their particular Convenience: And the Custom hath been for the Town, in Compliance with their Motion, to use no other Formality therein, save only to make an Entry thereof or of the Land given by them in Exchange, in the Records of the Town: And some are or may be so unjust as to retain or re-enter upon the Land proposed by them to be given in Exchange, as aforesaid, having other Lands in Lieu of them to them secured by the Grant or Record of the said Town, as aforesaid.

Preamble.

Which Injustice to prevent:

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That whensoever it shall appear on the Trial of any Case, that the Land in Controversy was given, or surrendered up unto the Town, in Manner as aforesaid, and other Lands secured to him or them by Grant and Record thereof, as aforesaid, that he who makes Claim thereto, shall be concluded thereby, and be stopped from pleading any precedent Title which he had thereunto; any Law, Usage or Custom to the contrary notwithstanding.

Lands given in exchange to towns, or proprietors, any person making claim thereto to be stopped.

At a General Assembly held at Hartford, on the eleventh Day of May, Anno Domini, One thousand seven hundred and twenty seven.

## An Act to prevent Frauds, Quarrels and Disturbances in Bargains, Sales, Leases or other alienations of Land, &c. in this Government.

*THIS* Assembly observing the growing Inconveniency on this Government by Means of too many taking in Hand, bearing up or upholding of Quarrels and Sides; to the Disturbance of the common Right and the Peace and Quiet of

Preamble.

*the good People in this Government : Which tendeth to their Impoverishment, by the Mifspence of Time and Treafure.*

Which to prevent:

All fraudulent bargains in sales and alienations of Land, &c. to be null and void.

**B**E it Enacted and Declared, by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That all Bargains, Sales, Leases or other Alienations for Years, Life, Lives, or forever, or for any other Term or Time whatsoever, of any Lands, Tenements or Hereditaments within this Colony, whereof the Lessor, Vendor, Grantor, or the Person that doth otherways execute any Instrument in Writing for the transferring any Right or Title to any Lands, Tenements or Hereditaments to another Person or Persons, the present Possessor thereof only excepted, is diseised or outed of the Possession thereof, by the Entry, Possession and Improvement of any other Person or Persons ; or that does claim or challenge to have Right or Title to any Lands, Tenements or Hereditaments by Force and Virtue of any Title or Claim, aliene from, and in opposition to the Title granted by the Royal Charter to this Corporation, and not warranted by the Laws of this Colony, shall be null and void, and of no Effect in the Law for the transferring and conveying any of the pretended Rights or Titles above described, to any Person or Persons whatsoever.

Persons attempting to give or receive any such fraudulent writing, &c.

*And be it further enacted by the Authority aforesaid, For the more effectual preventing the Mischief aforesaid, That whosoever shall attempt by any Instrument in Writing under his Hand, to alienate any of the Claims or Rights above described, in any such Manner as is above declared to be void, and ineffectual in the Law, or shall receive any Conveyance thereof to him or them ; shall forfeit one half of the Value of the Lands attempted to be alienated, as aforesaid. To be recovered by Bill, Plaint, or Information, in any Court proper to hear and determine the same : Whereof the one Half shall be to the informer that shall prosecute the same to Effect, and the other half of the Penalty to the Treasury of this Colony.*

At a General Assembly held at *New-Haven*, on the twelfth Day of *October* Anno Domini, *One thousand seven hundred and twenty seven.*

An Act for enabling the Proprietors of the common and undivided Lands, (declared, by an Act of this Assembly, made at *Hartford*, the ninth Day of *May*, A. D. 1723, to belong to the Proprietors, and not to the Towns) to make Rates to defray the necessary Charges arising in the defending, protecting or managing the same : also to make Exchanges of said common Land for the procuring needful and convenient High-ways.

Proprietors to make rates to defray necessary charges, &c.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Proprietors of the said Common or undivided Land in any Town in this Colony, are hereby fully impowered at any of their legal Meetings, by their major Vote, to make a Rate or Rates as occasion shall require, for the defraying the necessary Charges arising on said Propriety, and to appoint Collectors for the gathering in the same ; who shall be invested with the same Power as the Collectors of Town Rates are by Law invested with, and shall make Payment of the Money by them

collected, to the Proprietors appointing them, or on their Order, on the same Penalties, and to be under the same Regulations as the Collectors of Town Rates are.

And it is further enacted by the Authority aforesaid, That the said Proprietors are hereby fully empowered at their Meetings, as aforesaid, to make Exchanges of any of the common Land, for needful and convenient Highways in said Town or Place, with any of the Proprietors, Inhabitants, or Owners of such Land, as shall be judged most convenient and needful by the Proprietors aforesaid, which Exchanges shall be entred in the said Proprietors Book of Records, and shall be held good and valid, to all Intents and Purposes, to the use of the Person or Persons receiving the same, and to his and their Heirs and Assigns forever. And all Exchanges heretofore made for the Land aforesaid, shall also be held good and valid to all Intents and Purposes.

Proprietors to make exchanges of the common land, &c.

Always provided, That the major Part of the Proprietors (to be computed by their Interest of such common and undivided Land) do not protest against such Exchange, and enter their Protest with the Clerk of such Propriety within forty Days after such Exchange is granted.

Provided.

At General Assembly held at Hartford, on the eighth Day of May, Anno Domini, One thousand seven hundred and twenty nine.

Whereas the Proprietors of some ancient Towns in this Government, which were settled before any Patents were granted out to them did agree, or accustom themselves to divide the common or undivided Lands within their Townships among themselves, according to the Methods and the Interests and Proportions, as by themselves were agreed on or consented to; and did not grant their Lands in Town Meetings, as some other Towns in this Colony have done, and have continued to practice according to their said ancient Customs in the Divisions of their common Land from Time to Time to this Day.

Preamble.

And whereas many of the ancient Proprietors in such Townships, have sold not only Divisions so obtained, but also a considerable Part of their Interests and Proportions in said common Land, and thereby the Purchasers thereof have obtained considerable Estates to themselves, in the Manner and Form aforesaid.

And whereas some Doubt hath arisen whether the Law made May the ninth, One thousand seven hundred and twenty-three, entitled, "An Act for the better Establishing and Confirmation of Titles of Land, anciently obtained in Townships according to the Custom heretofore used; and for the preventing Contentions about the same," doth effectually quiet and confirm Titles obtained in the Form aforesaid.

Whereupon a Question arises, and is put to this Assembly, namely,

Whether Dispositions of Lands made by the Proprietors of any Town in this Government, and the Divisions and Interests obtained in the Form aforesaid, be within the Equity of the Act aforesaid a Confirmation of such Interests and Divisions?

A question.

RESOLVED by this Assembly in the Affirmative.

Resolved in the affirmative.

## An Act for the preventing Disputes which might arise in the Partition of Lands.

Preamble.

**T**HIS Assembly observing that Disputes do or may arise, whereby the Partition of Lands whereof there are many Proprietors, may be very much perplexed for want of a fixed and determinate Period wherein the Right and Property of said Lands are changed from a common to a particular Interest, by Means of Entries which may be made thereon either by Strangers, or any of the Proprietors in common, after an agreement to make Partition, and before the actual Surveys are made and recorded in the several Towns where the Lands lie.

Which Inconvenience to prevent:

Partition of lands not compleat, till survey'd and recorded.

**B**E it therefore enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That Partition of the Lands aforesaid, shall not be deemed and looked upon as perfect and compleat in the Law, until the Surveys, as aforesaid, are actually made and recorded as aforesaid; and shall be esteemed as an Estate in common and undivided in the Hands of the Proprietors.

At a General Assembly held in *New-Haven*, on the eleventh Day of *October*, Anno Domini, One Thousand seven Hundred and Thirty-three,

## An Act limiting and directing the County Surveyors, respecting their laying out Grants of Lands in Towns.

County surveyors to lay out grants of land when proprietors refuse or neglect.

**B**E it enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That whensoever the Proprietors in any Town shall refuse or neglect to choose Persons to lay out any Grant of Land heretofore obtained from the Town or Proprietors of such Town, since the Year of our Lord One Thousand seven Hundred and Twenty, and not yet laid out; or if such Persons be chosen, and do neglect the Space of one Year, after being desired to lay out any of the Lands aforesaid by the Person concerned, then in such Case, and no other, the County Surveyor of that County in which said Town shall lie, shall (if thereunto required) lay out any such Grant; which laying out shall be good and valid to all Intent and Purposes, as if the Committee chosen, as aforesaid, had laid out the same.

## An Act for the Punishment of lascivious Carriage and Behaviour.

Preamble.

**F**OR the preventing of lascivious Carriage and Behaviour, against and for the Punishment of which, (in Regard of the Variety of the Circumstances) particular and express Laws cannot be easily suited and made.

Therefore,

Persons guilty of lascivious carriage and behaviour, to be fined, or imprisoned, sent to the house of correction, or corporally punished.

**B**E it therefore enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the several, and respective County Courts within this State, shall be, and are hereby empowered and directed to proceed against, and punish such Persons as shall be guilty of lascivious Carriage and Behaviour: either by imposing a Fine on them, or by committing them to the House of Correction, or by inflicting corporal Punishment on them, according to the Nature and Aggravation of the Offence, and according to the Discretion of such Court: That such reasonable and exemplary Punishment may be inflicted upon Offenders in that Kind, that others may hear and fear,

An Act concerning Leather; and for regulating the several Artificers concerned in Working or Making up the same.

**B**e it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That no Butcher whatsoever, by himself or any other Person, shall gash or cut any Hide or Skin of Ox, Cow or Calf, in fleating thereof, or otherwise whereby the same shall be impaired or damaged, on pain of forfeiting to the Owner the Sum of Eight-pence, for every such gash or cut; and of paying the Damage occasioned thereby in any such Hide or Skin.

No butcher to cut or gash any hide.

And for the better preventing of Deceits and Abuses by Tanners, Curriers, Dressers, and Workers up of Leather.

**B**e it further enacted by the Authority aforesaid, That no Person whatsoever shall set up the Trade or Mystery of tanning of Leather in this State; or for that End erect or set up, or make any Tan-vats, or other Place to tan in; nor carry on, or use that Trade or Mystery, except he do manifest his Skill therein to the County Court of that County wherein he lives, and obtain a Licence from such Court to set up and manage that Trade; on Pain that every Person so offending shall forfeit the Sum of Twenty Pounds: One Moiety to the County Treasury, and the other to him or them who shall prosecute the same to Effect.

No person to set up the Trade of tanning without Liberty from the C. court.

That no Person or Persons whatsoever that now doth, or hereafter shall use the Art, Trade or Mystery of Tanning, shall at any Time offer or put to Sale, any Kind of Leather which shall be insufficiently or not thoroughly tanned; or which hath been over limed, or burnt in the Limes; or which shall not after Tanning be well and sufficiently dried, upon pain of forfeiting such Leather, or the full Value of it, or so much thereof as by any Searcher or Sealer of Leather lawfully appointed and sworn, shall be found insufficiently tanned and dried as aforesaid: One half of which Forfeiture shall be to the Complainor, who shall prosecute to Effect, and the other half to the Town Treasury of that Town wherein such Tanner dwells.

No tanner to put off any leather insufficiently tanned.

Nor shall any Person using the said Art, Trade or Mystery, suffer any Leather tanned by him, to go out of his Custody before said Leather be searched and sealed by the Sealer of the Town in which such Tanner dwells, upon the Penalty of forfeiting the Sum of Three Pounds for each Hide or Skin so disposed of, or suffered to go out of his Custody before Sealing: One half to the Complainor, as aforesaid, and the other half to the Town Treasury of the said Town.

Nor suffer said leather to go out of his custody till sealed.

That no Person using the said Trade, shall set any of his Vats in Tanhills, or other Places where the Ouse, or Leather put therein to tan, shall or may take any unkind Heats; nor shall put any Leather into any hot or warm Ouse whatsoever, on pain of forfeiting Fourteen Pounds: To be recovered as aforesaid, by the Uses aforesaid.

Nor set his vats on tanhills, &c.

And no Person or Persons whatsoever shall cause, or suffer any Leather by him, or them tanned, to be wrought up by any Shoe-maker employed either by himself, or by any other Person or Persons for him; nor shall he work up the same himself before such Leather be viewed and sealed, as aforesaid, on Penalty of forfeiting the Sum of five Pounds for every Hide or Skin, so as aforesaid, by him or them wrought, caused or suffered to be wrought up before Sealing as aforesaid: To be recovered as aforesaid, to the Uses aforesaid.

Penalty of five to work up leather before it be sealed.

And for the effecting the Purposes aforesaid.

**B**e it further enacted by the Authority aforesaid, That every Town in this State, where need shall require, shall choose one or two honest Men, skilful

One or two honest men to be chosen by each town to view and seal leather.

in Leather, within their Township, who shall be sworn to a faithful discharge of their Trust, who shall make Search and View within the Limits of their Town, as oft as they shall think it needful, who shall have a Mark or Seal prepared by such Town for that Purpose; and with the said Mark or Seal they shall seal such Leather in said Town as they shall find in all Points sufficient, and no other.

Leather offered to sale, not well wrought, to be seized.

That if the said Searchers or Sealers, or any of them, find any Leather sold or offered to be sold, or any way disposed of, which shall be either tanned, wrought, converted or used contrary to the true Intent and Meaning of this Act, it shall and may be lawful for the said Searchers or Sealers, or any of them, to seize, or procure to be seized, all such Leather, and retain the same in their Custody, until such Time as the Matter be tried by such Triers, and in such Manner as in this Act is appointed: *That is to say*, When any Leather is seized as being forfeited, as aforesaid, the Officer so seizing the same, shall within three Days, inform some Assistant or Justice of the Peace thereof; who shall forthwith summon four or six Men, honest and skilful in Leather, to view the same, in the Presence of the Party, (who shall have timely Notice thereof) or without him in case he do not appear: Which Men being duly sworn for that Purpose, shall upon their Oaths certify to the said Assistant or Justice the defect of such Leather: And if thereby it appears the said Leather is forfeited by virtue of this Act, the said Assistant or Justice shall give Judgment accordingly; and order the Disposition thereof as in this Act is provided.

Sealers of leather to search for shoes, &c. made of bad leather, &c.

And every of the said Searchers and Sealers of Leather, shall be, and are hereby impowered to search for all such Shoes, Boots and other Ware made by Shoe-makers or Cordwainers, as the said Searchers, or any of them shall judge or suspect to be made of insufficient Leather; and upon any such Search to seize and secure all such Shoes, Boots and other Ware aforesaid, as they find, and judge to be made of such bad Leather: And if upon due Consideration and Trial thereof had and made, by four or six honest Men, skilful in Leather, as aforesaid, the same Shoes, Boots or other Ware shall be judged and certified to be made of insufficient Leather, then the same shall by the Owner or Owners thereof be forfeited; one third thereof to the Complainer, and two thirds to the Town Treasury: Unless the Owner or Owners thereof shall give Oath that the same Wares were made of Leather sealed according to Law.

Penalty of 20s. on sealers of leather who neglect their duty.

And if any Searcher or Sealer of Leather shall neglect or refuse with convenient Speed to Seal any Leather sufficiently tanned, wrought and dried, according to the true Intent and Meaning of this Act, having timely Notice thereof; or shall seal any Leather which shall be insufficient, that then every such Searcher and Sealer shall forfeit for every such Offence the Sum of *Twenty Shillings* to the Use of the Town Treasury, and answer all Damages sustained by such Neglect, Refusal or Mis-doing: And for his Service in Sealing, as aforesaid, shall for his Fee be allowed and paid by the Owner for each Dicker of Leather he shall seal, *Eighteen-pence*; and for half a Dicker *Twelve-pence*, and for a single Hide *Three-pence*.

Carriers of leather to forfeit the value of the hides which shall be marred by their ill workmanship.

*Be it further enacted by the Authority aforesaid*, That no Person or Persons using, or that shall use the Art or Mystery of currying Leather, shall burn or scale any Hide or Leather in currying the same; but shall work the same in all Respects with good sufficient Liquor, both for Quantity and Quality, suitable to the Condition of the Leather dressed by him or them, on Pain of Forfeiting for every Offence or Act done contrary to the true Intent and Meaning of this Act, the full Value of such Hide or Hides, or Skins marred by his evil Workmanship or Handling: Which shall be judged by two or more sufficient and skilful Persons, Carriers or others, under Oath given them for that Purpose, by any Assistant or Justice of the Peace.

Light-House. Limitation.

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And he it further enacted by the Authority aforesaid; That no Person or Persons shall transport or send away out of this State, any tanned Hides, Skins or Leather, upon Pain of forfeiting such Hides, Skins or Leather, or the full Value thereof: One third Part to the Complainer, who shall prosecute to effect, and the rest to the County Treasury of the County where the Offence is committed.

Tanned leather not to be transported, &c. out of this State.

An Act for laying a Tax on Shipping for repairing and maintaining the Light-House, near the Port of New-London.

BE it enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That from and after the tenth Day of February, One thousand seven hundred and eighty-four, each and every Vessel, except such as are employed in Fishery, and during their Continuance therein, which shall clear out at any Port in this State; or shall harbour or anchor in the Port of New-London, shall be subject to pay the following Taxes, viz. Each and every Ship, One Pound Ten Shillings; each and every Square-rigged Vessel carrying two Masts, Twelve Shillings; each and every Sloop and Schooner (Coasters excepted) Six Shillings; each Vessel used in the coasting Business, of more than twenty Tons Burthen, Three Shillings; and each Vessel used in the coasting Business, of less than twenty Tons Burthen, One Shilling and Six-pence. Which several Taxes or Duties becoming due as aforesaid, shall be paid to and collected by the Naval-Officers where any such Vessel shall clear out, or Harbour and anchor as aforesaid. Which Officers shall severally give Bonds to the Treasurer of this State, with Surety, faithfully to account for the Sums they shall receive by Virtue of this Act. And the Naval-Officers shall pay over the Sums of Money they shall receive as aforesaid, according to the Direction of the General Assembly from Time to Time, for the Convenience and Accommodation of the Light-House. And the Master of every Vessel which shall harbour and anchor in the Port of New-London aforesaid, who shall for the Space of twenty-four Hours, neglect or refuse to pay such Tax as is by Law required, such Master so neglecting, shall forfeit and pay double the Sum of such Tax, and all Costs; to be recovered by Bill, Plaint or Information: Any Law, Usage or Custom to the contrary notwithstanding.

All vessels to pay tax for light-house, except, &c.

Naval officers to give bond to account therefor, &c.

Penalty on the master for neglect, &c.

An Act for the Limitation of Prosecutions in divers Cases, civil and criminal.

BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same; That no Person shall be indicted, prosecuted, informed against, complained of, or compelled to answer before any Court, Assistant or Justice of the Peace within this State, for the Breach of any penal Law, or for other Crime or Misdemeanour, by Reason whereof a Forfeiture belongs to any public Treasury, unless the Indictment, Presentment, Information, or Complaint be made and exhibited within one Year after the Offence is committed.

Complaints and presentments to be exhibited within one year.

And every such Indictment, Presentment, Information, and Complaint that is not made and exhibited, as aforesaid, within the Time limited for the same as aforesaid, shall be void and of none Effect.

Or to be void and of none effect.

Provided always, That this Act shall not extend to any capital Offence; nor to any Crime that may concern Loss of Member, or Banishment, or

Proviso.

any Treachery against this State, nor to any pilfering and Theft, the Value whereof is above *Ten Shillings*; nor shall it hinder any Person aggrieved, or injured by any Wrong done him, or his Wife, Children, Servants, or Estates, real or personal; but that every such Person shall have Remedy as he might before this Act; any Thing therein contained notwithstanding.

To bring actions for bill, or bond in 17 years, or &c.

And be it further enacted by the Authority aforesaid, That no Suit, Process, or Action shall be brought on any Bond, Bill, or Note under Hand, given for the payment of any Sum or Sums of Money, not having any other Condition, Contract or Promise therein but within the Space of seventeen Years next after an Action on the same shall accrue. *Provided nevertheless*, That the Time this State has been, or may be engaged in War, shall be expunged, and not computed in said Time of Limitation. But from all and every Action, Suit, or Process, after the Time limited as aforesaid, each and every Person shall be forever debarred.

Proviso.

*Provided nevertheless*, That Persons over Sea, or legally incapable to bring their Actions for their Debts aforesmentioned, may bring the same any Time within four Years after their coming from over Sea, or becoming legally capable to bring an Action, notwithstanding the Time limited, as aforesaid, be expired.

Of trespass, &c. in three years.

And be it further enacted by the Authority aforesaid, That no Action of Trespass, nor of the Case for Slander and Defamation, shall be brought but within three Years after the Facts are done, or the cause of Action doth arise.

## An Act for the direction of Lifters in their Office and Duty.

Liberty for each town to choose a discretionary number of lifters.  
To be sworn.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the several Towns in this State shall, in the Month of *December*, annually, chuse such number of Lifters as they shall judge necessary and convenient, to make up the List of Polls and rateable Estates in such Town; who shall take the Oath prescribed by Law.

Lifters to put up notifications.

And the said Lifters shall give Warning to the Inhabitants of their respective Towns, to give in the Lists of their Polls and rateable Estates, by posting up a Notification in Writing, signed by the Lifters in such Town in the Month of *July*, annually, on the public Sign-Post, and some public Place in every Society in such Town; thereby giving Notice to all Persons obliged by Law to pay Taxes, to give in their respective Lists, according to Law. Which Warning so posted up as aforesaid, shall be sufficient Notice to such Persons to give in their List to the Lifters. And the Inhabitants being so warned, shall give in to the Lifters in Writing, a true Account of all their listable Polls, and of all their rateable Estate, being their Property, or belonging to them, on the twentieth Day of *August* following, at or before the tenth Day of *September* following; particularly mentioning therein all such Things as as are in this Act hereafter expressly valued, signed with their Names; which Accounts the said Lifters shall accept, adding thereto, according to their best Judgment, a value for all Things hereafter mentioned in this Act to be listed, that are not particularly valued, and make the whole into one general List. And every Person or Persons having any Land or real Estate proper to be rated in any other Town than where such Person dwells, shall give in to the Lifters of such Towns where such Estate doth lie, a true List thereof, in the Manner before mentioned, without any Warning given by the Lifters of the Town where such Estate is liable to be rated as aforesaid; or on Failure thereof the same shall be added by the Lifters: And in case the Town in which such Estate lieth be

Inhabitants to give in a list of what they possess the 20th of Aug. by the 20th of Sept.

If non-residents neglect their estate to be added.

unincorporated, and not taxed, then said Estate to be given into the Lifters of the Town where such Person dwells. And all the Lands not as yet laid within the Bounds of any Town, those Lands, with the Persons and Estates thereupon, shall be assessed by the Rates of the next Town unto it; the Measure or Estimation to be by the Distance of the Meeting-Houses.

That the Lifters shall receive, make up, and transmit to the General Assembly in *October* annually, the Lists of such Towns, with a Certificate from an Assistant or Justice of the Peace, or Town Clerk, before whom said Lifters were sworn, that they were sworn to a faithful Discharge of their Duty before the first Day of *July* preceeding. And that every of the aforesaid Lifters, who shall neglect his Duty herein, shall forfeit and pay to the Treasury of this State *ten Pounds*. And that if no such Return of the List be made from any Town, or there be no such Certificate, such Town shall be doomed by and at the Discretion of the General Assembly. That the said Lifters, after the rising of the General Assembly in *October* annually, shall, and they are hereby required, carefully to inspect the said List till the last Day of *December* following, annually, and to add Fourfold for all the Polls and rateable Estate they shall find left out of the List, by any particular Person or Persons, the Property whereof did belong unto such Person or Persons, on the twentieth Day of *August* preceeding, giving Notice thereof to the Persons fourfolded: And if any Doubt thereon shall arise, the said Estate shall be adjudged or reputed the Property of the Person assessed for the same, unless he can shew it to have been the Property of some other Person on the said twentieth Day of *August*; and also add to said List fourfold for the whole rateable Estate and Polls of all such Persons as have given in no Lists at all, as a Penalty on the said Inhabitants for their Neglect; who shall pay Rates for the same, according to their fourfold Assessments. And one Half of all such Sums arising upon such fourfold Additions, shall, by the Constable and other Collectors of Rates, that shall be made upon such Lists, be paid to the Lifters as a Reward for their Trouble, and the other Half shall be for the Uses for which such Rates are made. And the Lifters shall transmit the Sum Total of all the Additions, agreeable to the Form aforesaid, which they shall so make, to the General Assembly in *May* following, on Pain of incurring the same Penalty for their neglect thereof, as is provided in this Act in case they neglect to send the Sum Total of the List to the General Assembly in *October*. That said Lifters shall annually, some time in the Month of *January*, deliver the List of the Polls and rateable Estate of the Inhabitants of their Town, made out according to Law, to the Clerk of the Town, taking his Receipt for the same; upon the Penalty that every Lifter that shall neglect the same, shall pay to the Treasurer of such Town the Sum of *Five Pounds*; to be recovered by Action, Bill, Plaint or Information.

Lifts to be transmitted to the general assembly in *October*, annually.

Penalty on listers and towns for neglect.

Lifters to inspect lists till the last day of *Dec.* annually; add fourfolds, &c

To transmit the sum total of additions to the general assembly in *May*. On penalty.

Copy to be lodged with town clerk,

That when and so often as any Person or Persons are over-charged in their List, it shall be the Duty of the Lifters to grant Relief in such Cases only, where the Estate shall appear not to have belonged to the Person on the twentieth of *August* preceeding, or that it was not left out through his Wilfulness or Negligence, but from sufficient Ground to conclude the Estate to have been lost or perished, and that so soon as he was sensible of his Duty therein, he did offer his Estate *bona Fide* to the Lifters, to be entered in the public List. But if such Lifters will not give just Relief, then upon Application made by the aggrieved Party, to two or more Justices of the Peace, and three Select-men of the Town, notifying two or more of the Lifters to shew Reason, if any they have, why Relief should not be granted to such aggrieved Person, they shall consider the Case, and give such Relief as they shall judge just and reasonable; and also in all Cases where any Person may be wrongly charged or over-charged by the

In what manner persons aggrieved may have relief.

Lifters in their Lifts as aforesaid : Provided such Application be made in six Months next after such over-charge complained of, be made.

Mistakes in  
cast upon cer-  
tificate from  
lifters, to be  
corrected by  
the treasurer.

Treasurer not  
to allow of a  
batement, &c

That when the Lifters shall make a Mistake in casting the List of the Town, on Discovery thereof, they shall certify the same to the Treasurer, who is hereby authorized and directed, on such Certificate, to add to, or subtract from the List of such Town, the amount of such Mistake, as the Circumstances of such Case shall require. And the Treasurer shall not accept nor allow any Bills of Abatement, save only where any Persons shall be found according to the true meaning of this Act, to have been really over-charged or wrong charged : or unless any Person charged in said List is deceased, or shall have absconded and departed out of this State, before the Time limited for the Payment of such Rate to the Treasurer, and hath not left any Estate whereon the same may be levied. And in every Bill of Abatement, made in either of the Cases aforesaid, shall be certified the Reason of such Abatement, by the Persons who have Right by Law to make the same, or by an Assistant or Justice of the Peace.

At what age  
and what rate  
polls shall be  
set in the list.

Who exempt.

Cattle, horse-  
kind, &c.

Meadow  
land.

Proviso.

Upland.

Uninclosed

Be it further enacted by the Authority aforesaid, That all male Persons within this State, from sixteen Years of Age to Twenty-one, (not hereafter specially exempted) shall be set in the List, each Person at *Nine Pounds*; and all male Persons within this State, from twenty-one Years of Age to seventy, (except the Governor, Lieutenant-Governor, Assistants, Ministers of the Gospel, the President, Professors and Tutors of the Collegiate-School, constant School-Masters, and Students of College, until the Expiration of the Time for taking their second Degree, and Persons disabled by Sickness, Lameness, and other Infirmities, and such as are or may be exempted by special Act of the General Assembly) shall be set in the List, each Person at *Eighteen Pounds*; and all rateable Estate shall be set in the List as follows, viz. Every Ox or Steer of four Years old and upwards, at *Four Pounds*; every Steer of three Years old, and every Cow or Heifer of three Years old and upwards, at *Three Pounds*; every Steer or Heifer of two Years old, at *Two Pounds*; every Steer or Heifer of one Year old, at *One Pound*; each Horse or Mare of three Years old and upwards, at *Three Pounds*, (except Troopers Horses included); all Horse-kind of two Years old, at *Two Pounds* each; and every Horse-kind of one Year old, at *One Pound* each; every Swine of one Year old and upwards, (Boars excepted) at *One Pound*. All meadow Lands in the County of *Hartford*, both for Plowing and Mowing, at *Fifteen Shillings* per Acre, except Boggy-Meadow, which if mowed, at *Five Shillings* per Acre; if not mowed, at *Two Shillings* per Acre; all other Plow-lands in this State, at *Ten Shillings* per Acre; all Meadow-lands, both salt and fresh, within the Counties of *New-Haven, New-London, Fairfield, Windham and Litchfield*, at *Seven Shillings and Six-pence* per Acre, except Boggy-meadow, which if mowed, at *Five Shillings* per Acre. *Always provided*, That all Plow-lands shall be so assessed only for that Year in which the Crops are taken off or separated from the said Land; but in the next Year following it shall be assessed as Pasture-land, at *Eight Shillings* per Acre, and so from Year to Year till the Year wherein the said Land shall be plowed for another Crop, in which it shall be rate free, and in the Year in which the Crop is to be taken off or separated from said Land, it shall be rated at *Ten Shillings* as aforesaid : All upland Pasture, either for feeding or mowing, at *Eight Shillings* per Acre, except such Lands as are much overgrown with Woods, Buthes, Briars and the like, whereby the Lands become unserviceable for Pasture, whether the same have been cleared or not, which shall be assessed at *Two Shillings* per Acre : All uninclosed Lands in this State shall be set as follows, viz. All Timber-lands, which if cleared, would be fit for Mowing or Plowing, at *Two Shillings* per Acre; all other Timber-lands (except on Mountains inaccessible to Teams) at *One Shilling* per Acre; and all other uninclosed Lands, at *Six-pence* per Acre.

That all Horse-kind, and other Creatures rateable by Law, that are put up on any Farms in this State, out of the Town where the Owners dwell, and under the Care, Occupancy and Improvement of a Tenant there, shall be put into the List of the Owners of such Creatures in the Town where such Farm lieth; and in all other Cases, all Horse-kind and other Creatures rateable by Law, shall be put into the List of the Polls and rateable Estate of the Owners thereof, in the Towns where they dwell.

Horse-kind, &c. in towns remote from the owners.

All Ministers of the Gospel that now are or hereafter shall be settled in this State, during their Continuance in the Ministry, shall have all their Estates lying in the same Society or Town wherein they dwell, and all Polls belonging to their several Families, exempted from being put into the List. And also the President of Yale College for the Time being, his Estate shall be under the same Regulations as Ministers of the Gospel. As also in like Manner shall all Lands and Buildings in this State, sequestered to, and improved for Schools, or other public or pious Uses.

Certain exemptions.

That all Ships and other Vessels in employ, or that have been within one Year next before the twentieth Day of August annually, shall be set in the List at *Fifteen Shillings* per Ton, according to their true and just Burthen, to be computed by the Carpenter's Rule.

Shipping.

That each Coach shall be set in the List at *Twenty-five Pounds*; each Chariot at *Twenty Pounds*; each Phaeton at *Fifteen Pounds*; each Curricule at *Ten Pounds*; each Chaise or other riding Wheel-Carriage with a covered top, at *Five Pounds*; and every open Chair and other open-top riding Wheel-Carriage at *Three Pounds*.

Coaches, &c.

Each Gold Watch, at *Five Pounds*; all other Kind of Watches, at *One Pound* and *Ten Shillings* each; all steel and brass-wheeled Clocks, at *Three Pounds* each; wooden wheeled Clocks, at *One Pound* each.

Watches and clocks.

All wrought household Silver Plate, at six per Cent. on the just Value thereof in Lawful Money, at *Six Shillings* and *Eight-pence* per Ounce; all Monies at Interest on good Security, except Monies loaned to this State or the United States, more than the Owners thereof pay Interest for, at six per Cent. on the just Value in Lawful Money.

Silver plate.

Monies.

Each Dwelling House in good Repair, at *Fifteen Shillings* for each Fireplace therein: The Lifters may abate for old and decayed Houses, one Quarter, one Half or three Quarters of the Sum aforesaid, according as the Houses shall appear to them to be more or less decayed, or depreciated in Value.

Dwelling-houses, &c.

As it further enacted by the Authority aforesaid, That after making up the List of specific Articles aforesaid, the Lifters shall proceed to make the following Assessments, *videlicet*: Each Attorney at Law (the least Practitioner) at *Fifty Pounds*, larger Practitioners higher in Proportion; each Physician or Surgeon (the least Practitioner) at *Ten Pounds*, and others in Proportion; each Shop-keeper or Trader whatsoever (the lowest Class) at *Twenty-five Pounds*, and all others in due Proportion; that each-allowed and licenced Tavern-keeper be set at *Fifteen Pounds*, and to be added to in Proportion to their Situation and Profit, according to the best Judgment of the Lifters: That each and every Person that followeth any mechanical Art or Mystery, such as Black-Smiths, Shoe-makers, Turners, Gold-Smiths or Silver-Smiths, and every other Handy-Craft, shall be set in the List at least *Five Pounds*, and to be added to at the best Discretion of the Lifters; each Corn-mill standing on a Stream sufficient to carry the same through the various Seasons of the Year, and so situated that they are constantly supplied with Custom, shall be set in the List annually at *Eighty Pounds*; and others of lesser Advantages, whether Wind-mills or others, at a less Sum in Proportion, according to the best Judgment of the Lifters. And that the Lifters shall assess Owners of Iron-works, Oil-mills, Saw-mills, and all other Water Works by which Profits arise; and that all other

Directions to lifters how to assess, &c.

Works and Occupations followed or pursued by any Persons by which Profits arise, and which have not been enumerated in this Act (except Business in any public Office, Husbandry, and common Labour for hire) shall be assessed by the best Judgment of the Lifters in due Proportion to the Rules given in particular Instances in this Act. And all Bulls, more than One owned by one Person, shall be set in the List at the Rate of Steers or Oxen of the same Age. And that the Assessments made by the Lifters by Virtue of this Act, shall be so returned to the General Assembly in *October* annually, that the Assembly may judge whether on the whole Justice has been done by the Lifters : And the Lifters shall carefully return the Names of those of all Denominations who shall be assessed, and the Sums annexed at which they are respectively assessed, to said Assembly.

Lifts transmitted to the assembly, &c.

*Be it further enacted by the Authority aforesaid,* That the Lifters in the several Towns in this State, shall receive, make up and transmit to the General Assembly, and lodge with the Town Clerk the Lifts of such Towns respectively, in the following Form and Order of Arrangement, *viz.*

A true Lift of the Polls and Estate of the Town of

rateable by

Law, on the 20th Day of *August*, 17

The form of Lift,

No.		£.	s.	d.	£.	s.	d.
	Polls from 21 to 70 Years of Age, at	18	0	0			
	Polls from 16 to 21 Years of Age, at	9	0	0			
	Oxen and Bulls four Years old, at	4	0	0			
	Cows, Steers, Heifers and Bulls 3 Years old, at	3	0	0			
	Steers, Heifers and Bulls of two Years old, at	2	0	0			
	Steers, Heifers and Bulls of one Year old, at	1	0	0			
	Horse-kind of three Years old, at	3	0	0			
	Horse-kind of two Years old, at	2	0	0			
	Horse-kind of one Year old, at	1	0	0			
	Swine of one Year old, at	1	0	0			
	Acres of Plow-land, at	0	10	0			
	Acres of Upland, Mowing & Clear-pasture, at	0	8	0			
	Acres of Boggy-meadow mowed, at	0	5	0			
	Acres of Boggy-meadow not mowed, at	0	2	0			
	Acres of Meadow-land in <i>Hartford</i> County, at	0	15	0			
	Acres of other Meadow-land, at	0	7	0			
	Acres of Bath-pasture, at	0	2	0			
	Acres of uninclosed Land, first Rate, at	0	2	0			
	Acres of uninclosed Land, second Rate, at	0	1	0			
	Acres of uninclosed Land, third Rate, at	0	0	6			
	Tons of Vessels, at	0	15	0			
	Coaches, at	25	0	0			
	Chariots, at	20	0	0			
	Phaetons, at	15	0	0			
	Curricles, at	10	0	0			
	Chaises, at	5	0	0			
	Riding-Chairs with open Tops, and Sulkies, at	3	0	0			
	Gold Watches, at	5	0	0			
	Silver and other Watches, at	1	10	0			
	Steel and Brass-wheel Clocks, at	3	0	0			
	Wooden-wheel Clocks, at	1	0	0			
	Ounces of silver Plate, at $\frac{6}{8}$ d. at 6 per Cent.						
	Money on Interest, at 6 per Cent.						
	Houses Fire-places, at	0	15	0			
	Houses Fire-places, depreciated 1 Qr, at	0	11	3			
	Houses Fire-places, ditto 1 Half, at	0	7	6			
	Houses Fire-places, ditto 3 Qr. at	0	3	9			
	Assessments.						

*Whereas sundry Persons have from Time to Time, after the twentieth of August, come into this State for the Purpose of vending their Goods, Wares and Merchandize, and to avoid the Payment of Taxes have, before the Time of giving in List, removed out of this State, whereby they have reaped all the Profits of Trade, without contributing any Thing to the public Burthens of this State.* Preamble.

*Be it further enacted by the Authority aforesaid, That the Listers in the several Towns in this State, together with two Justices of the Peace, and two Select-men be, and they are hereby authorized and impowered to assess any such Trader or Merchant who hath come into any such Town since the twentieth Day of August last, and resided one Month therein, and hath not given a List in any Town in this State, in such Sum as they shall judge just and reasonable, according to their Gains, as in Case of other Traders, and from Month to Month, and at the expiration of every Month until their giving in a List in the usual Manner, may assess such Person or Persons as are already in this State, or shall hereafter come into this State and carry on any Trade or Merchandize as aforesaid, in such Sum as they shall think just and reasonable, according to their Gains as aforesaid; and said Justices are forthwith to issue out their Warrants for collecting such Assessment, directed to the Collector of such Town, who is hereby impowered and directed to collect and pay the same into the Town Treasury where such Assessment shall be made, for the Use and Benefit of such Town.* Itinerant traders assessed.

## An Act for the Encouragement of Literature and Genius.

*WHEREAS it is perfectly agreeable to the Principles of natural Equity and Justice, that every Author should be secured in receiving the Profits that may arise from the Sale of his Works, and such Security may encourage Men of Learning and Genius to publish their Writings; which may do Honor to their Country, and Service to Mankind.* Preamble.

*BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Author of any Book or Pamphlet not yet printed, or of any Map or Chart, being an Inhabitant or Resident in these United States, and his Heirs and Assigns, shall have the sole Liberty of printing, publishing and vending the same within this State, for the Term of fourteen Years, to commence from the Day of its first Publication in this State. And if any Person or Persons within said Term of fourteen Years as aforesaid, shall presume to print or re-print any such Book, Pamphlet, Map, or Chart within this State, or to import or introduce into this State for Sale, any Copies thereof, re-printed beyond the Limits of this State, or shall knowingly publish, vend and utter, or distribute the same without the Consent of the Proprietor thereof in Writing, signed in the Presence of two credible Witnesses, every such Person or Persons shall forfeit and pay to the Proprietor of such Book, Pamphlet, Map or Chart double the Value of all the Copies thereof, so printed, imported, distributed, vend, or exposed for Sale; to be recovered by such Proprietor in any Court of Law in this State, proper to try the same.* Authors of books, &c. to have the sole right of publishing, &c. for the term of 14 years.

*Provided nevertheless, That no Author, Assignee or Proprietor of any such Book, Pamphlet Map or Chart shall be entitled to take the Benefit of this Statute, until he shall duly register his Name as Author, Assignee, or Proprietor, with the Title thereof, in the Office of the Secretary of this State, who is hereby impowered and directed to enter the same on Record.* Penalty for publishing, &c. without the proprietor's consent.

*And be it further enacted by the Authority aforesaid, That at the Expiration of said Term of fourteen Years, in the Cases above mentioned, the sole* Proviso.

Further  
term.

Right of printing and disposing of any such Book, Pamphlet, Map or Chart in this State, shall return to the Author thereof, if then living, and his Heirs and Assigns, for the Term of fourteen Years more, to commence at the End of said first Term; and that all and every Person or Persons, who shall re-print, import, vend, utter or distribute in this State, any Copies thereof without the Consent of such Proprietor, obtained as aforesaid, during said second Term of fourteen Years, shall be liable to the same Penalties, recoverable in the same Manner as is herein before enacted and provided.

*And whereas it is equally necessary, for the Encouragement of Learning, that the Inhabitants of this State be furnished with useful Books, &c. at reasonable Prices.*

Proprietor  
neglecting to  
furnish the  
public with  
sufficient edi-  
tions, &c.

*Be it further enacted,* That whenever any such Author or Proprietor of such Book, Pamphlet, Map or Chart, shall neglect to furnish the Public with sufficient Editions thereof, or shall sell the same at a Price unreasonable, and beyond what may be adjudged a sufficient Compensation for his Labour, Time, Expence and Risque of Sale, the Judge of the Superior Court in this State, on Complaint thereof made to him in Writing, is hereby authorized and empowered to summon such Author or Proprietor to appear before the next Superior Court, to be holden in that County where such Author or Proprietor dwells, if a Resident in this State, if not, in that County where such Complainant dwells; and said Court are hereby authorized and empowered to enquire into the Justice of said Complaint, and if the same be found true, to take sufficient Recognizance and Security of such Author or Proprietor, conditioned that he shall within such reasonable Time, as said Court shall direct, publish and offer for Sale in this State, a sufficient Number of Copies of such Book, Pamphlet, Map or Chart, at such reasonable Price as said Court shall, on due Consideration affix: And if such Author or Proprietor shall, before said Court, neglect or refuse to give such Security as aforesaid, the said Court are hereby authorized and empowered to give to such Complainant, a full and ample Licence to re-print and publish such Book, Pamphlet, Map or Chart, in such Numbers and for such Term as said Court shall judge just and reasonable: Provided said Complainant shall give sufficient Security before said Court, to afford said re-printed Edition at such reasonable Price as said Court shall thereto affix.

Penalty on  
such as pro-  
cure and print  
unpublished  
manuscripts,  
without con-  
sent of the  
author.

*And be it further enacted,* That any Person or Persons who shall procure and print any unpublished Manuscript, without the Consent and Approbation of the Author or Proprietor thereof, first had and obtained, (if such Author or Proprietor be living, and resident in, or Inhabitant of these United States) shall be liable to suffer and pay to the said Author or Proprietor his just Damages for such Injury; to be recovered by Action brought on this Statute, in any Court of Law in this State, proper to try the same.

*Provided always,* That nothing in this Act shall extend to affect, prejudice or confirm the Rights which any Person may have to the printing or publishing of any Book, Pamphlet, Map or Chart, at Common Law, in Cases not mentioned in this Act, or to screen from legal Punishment any Person or Persons who may be guilty of printing or publishing any Book, Pamphlet or Paper that may be prophane, reasonable, defamatory, or injurious to Government, Morals or Religion.

Provido.

*Provided also,* That this Act shall not extend, or be construed to extend in Favour, or for the Benefit of any Author or Persons residing in, or Inhabitants of any other of the United States, until the State or States, in which such Person or Persons reside or dwell, shall have passed similar Laws in Favour of the Authors of new Publications, and their Heirs and Assigns.

An Act for preventing and suppressing of Lotteries.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That whosoever shall presume, without special Liberty from the General Court, to set up any Lottery for the sale of Goods, or to sell, put off, or vend any Parcel, Parcels or Quantity of Goods, Monies, or other Things whatsoever, by way of Lottery; or shall presume by Wagers, Shooting, or any other such like Way or Exercise whatsoever, to offer to sell, vend, put off or dispose of any Goods, Monies, or other Things collected or exposed to be run at such Adventures; or to set up Notifications to entice People to bring in and deposit, or risque their Money or Credit for the carrying on the Designs aforesaid, and be duly convicted thereof before any Court or Authority proper to try the same, shall forfeit the Value of such Goods or Monies, or Things so exposed, or proposed to be exposed to Sale, or drawn for: The one Half thereof to him that shall prosecute the same to Effect, and the other Half to the County Treasury of that County where the Offence shall be committed.

Persons setting up lotteries to sell goods, &c. to forfeit the value of said goods.

And all Officers, as Grand-jurors and others ordered by Law to make Presentment of Breaches of Law, are directed (when no Informer or Prosecutor appears) to make Presentment of the Breaches of this Act.

All officers to make presentment, &c.

An Act for the punishment of Man-slaughter.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That whatsoever Person shall be guilty of the Crime of Man-slaughter, or the wilful killing another Person, without Malice forethought, and be thereof legally convicted, by Confession or Verdict, before any of the Superior Courts of this State, shall forfeit to the public Treasury of this State, all the Goods and Chattels to him or her belonging at the Time of committing said Crime; and be further punished by Whipping on the naked Body, and be stigmatized, or burnt on the Hand with the Letter M, on a hot-Iron, and shall also be forever disabled from giving any Verdict or Evidence in any of the Courts within this State:

Punishment for man-slaughter, forfeiture of all goods and chattels, whipping and burnt on the hand, &c.

*Provided nevertheless*, That if any Person, in the just and necessary Defence of his own Life, or the Life of any other, shall kill any Person attempting to rob or murder in the Field or High-way, or to break into any Dwelling-House; if he conceives he cannot with Safety of his own Person otherwise take the Felon or Assailant, or bring him to Justice, he shall be holden guiltless.

Proviso.

An Act for regulating and orderly celebrating of Marriages; and for preventing and punishing incestuous and other unlawful Marriages.

*Forasmuch as the Ordinance of Marriage is honorable amongst all; so it is meet it should be orderly and decently solemnized:*

**B**E it therefore enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That no Persons shall be joined in Marriage, before the Purpose or Intention of the Parties proceeding therein, hath been sufficiently published in some public Meeting or Congregation on the Lord's-Day, or on some public Fast, Thanksgiving, or Lecture-Day, in the Town, Parish, or Society where the Parties, or either

Publication requisite before marriage and the mode of publishing printed out.

of them do ordinarily reside; or such Purpose or Intention be set up in fair Writing, upon some Post or Door of their Meeting-House, or near the same, in public View, there to stand so as it may be read, eight Days before such Marriage.

None but magistrates, justices, and ministers have right to join others in marriage.

That no Person whatsoever in this State, other than a Magistrate, or Justice of the Peace, and that within his own County or Jurisdiction, or ordained Minister, and that only within the County wherein he dwells and during the Time he continues settled in the Work of the Ministry, shall join any Persons together in Marriage.

Penalty for performing said ordinance without legal publication, and consent of parents, &c.

Nor shall any Magistrate, Justice of the Peace, or ordained Minister, presume to join any Persons together in Marriage, before the Purpose or Intention of the Parties to be married has been published as aforesaid, and before such Magistrate, Justice or Minister is certified of the Consent of the Parents or Guardians (if any be) of such Parties that are under the Care and Control of Parents or Guardians, on pain of forfeiting for every such Offence the Sum of Twenty Pounds; one Moiety whereof shall be to him or them who shall complain of and prosecute the same to Effect, and the other Moiety to the Treasury of the County wherein the Offence shall be committed. And if any Person or Persons shall presume to deface or pull down any Publication set up in Writing, as aforesaid, before the Expiration of eight Days after the Time of its being set up; every such Person or Persons shall be fined the Sum of Six Shillings, or be set in the Stocks one whole Hour.

Penalty for pulling down or defacing a publication.

And in order to prevent incestuous and unlawful Marriages:

Degrees of Kindred forbidden marriage.

Be it further enacted, That no Man shall marry any Woman within the degrees of Kindred hereafter named in this Act; That is to say, No Man shall marry his Grand-father's Wife, Wife's Grand-Mother, Father's Sister, Mother's Sister, Father's Brother's Wife, Mother's Brother's Wife, Wife's Father's Sister, Wife's Mother's Sister, Father's Wife, Wife's Mother, Daughter, Wife's Daughter, Son's Wife, Sister, Brother's Wife, Wife's Sister, Son's Daughter, Daughter's Daughter, Son's Son's Wife, Daughter's Son's Wife, Wife's Son's Daughter, Wife's Daughter's Daughter, Brother's Daughter, Sister's Daughter, Brother's Son's Wife, Sister's Son's Wife.

Such marriages null and void.

And if any Man shall hereafter marry, or have carnal Copulation with any Woman who is within the Degrees before recited in this Act, every such Marriage shall be, and is hereby declared to be null and void: And all Children that shall hereafter be born of such incestuous Marriage or Copulation, shall be forever disabled to inherit by descent, or by being generally named in any Deed or Will, by Father or Mother.

Penalty.

That every Man and Woman who shall marry, or carnally know each other, being within any of the Degrees before mentioned in this Act, and shall be convicted thereof before the Superior Court, such Man or Woman so convicted, shall be set on the Gallows the space of one Hour, with a Rope about each of their Necks, and the other End cast over the Gallows; and in the Way from thence to the common Gaol, shall be severely whipt, not exceeding forty Stripes each.

Stigma, to wear the letter I, &c.

Also every Person so offending, shall for ever after wear a Capital Letter I, two Inches long, and proportionable Bigness, cut out of Cloth, of a contrary Colour to their Cloaths, and sewed upon their upper Garments, on the out-side of their Arm, or on their Back, in open View.

And if any Person or Persons convicted and sentenced as aforesaid, for such Offence, shall at any Time be found without their Haler to worn, during their abode in this State, they shall by Warrant from any one Assistant or Justice of the Peace, be forthwith apprehended, and ordered to be publicly whipt, not exceeding fifteen Stripes; and so from Time to Time, *saeculis. Quoties.*

That if any Man or Woman that are within the aforementioned Degrees of Kindred, shall hereafter marry contrary to the intent of this Act, and

Marriages.

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whose Marriage is by this Act declared null and void, shall be so hardy as to converse together as Man and Wife; or shall continue to dwell in the same House at any Time; or if any Man or Woman who shall hereafter be divorced, or their Marriage declared null and void according to the Laws of this State, shall cohabit together as Man and Wife, and be thereof convicted; all and every such Person shall suffer the same Pains and Penalties as are by Law set and imposed upon such as shall be taken in Adultery.

To be punished as adulterers, in case they cohabit, &c.

And it shall be in the Power of the Superior Court to assign unto any Woman so separated, such reasonable part of the Estate of her late Husband, as in their Discretion the Circumstances of the Estate may admit; not exceeding one third part thereof.

The woman so separated, to have part of her husband's estate.

*And whereas the Violation of the Marriage-Covenant is contrary to the command of God, and destructive to the Peace of Families:*

Therefore,

*Be it further enacted by the Authority aforesaid,* That if any Person or Persons in this State; being married, or who shall hereafter marry, do at any Time, presume to marry any other Person, (the former or other Husband or Wife being alive), or shall continue to live together so married, that then every such Offender shall suffer and be punished as in case of Adultery; and such Marriage shall be, and is hereby declared to be null and void.

Bigamy punishable in the same manner as adultery.

Which Offenders shall be tried in the County where they shall be apprehended.

Where triable.

*Always provided,* That this Act, or any Thing therein contained, shall not extend to any Person or Persons whose Husband or Wife shall be continually remaining beyond the Seas, by the Space of seven Years together, or whose Husband or Wife shall absent him or her self the one from the other by the Space of seven Years together, the one of them not knowing the other to be living within that Time.

Provido.

*Provided also,* That this Act shall not extend to any Person or Persons whose Husband or Wife has lately, or shall hereafter go to Sea in any Ship or other Vessel bound from one Port to another, where the Passage is usually made in three Months Time; and such Ship or Vessel has not been, or shall not be heard of in the Space of three full Years next after their putting to Sea from such Port; or shall only be heard of under such Circumstances as may rather confirm the Opinion commonly received, of the whole Company's being utterly lost.

Provido.

But in every such Case, the Master being laid before the Superior Court, and made so to appear, the Person whose Husband or Wife is, or shall be in this Manner parted from her or him, may be esteemed and declared single and unmarried; and upon such Declaration thereof, and Liberty obtained from the said Superior Court, may lawfully marry again; any Thing in this Act to the contrary notwithstanding.

Case to be laid before the superior court.

*Provided also,* That this Act shall not extend to any Person or Persons that are, or shall be at the Time of such Marriage divorced by any Sentence had, or hereafter to be had, as the Law of this State has in that Case provided; nor to any Person or Persons where the former Marriage has been, or shall hereafter by such Sentence had, be declared to be void, and of none Effect; nor to any Person or Persons for, or by reason of any former Marriage had or made, or hereafter to be had or made within the Age of Consent: That is to say, the Man fourteen Years, and the Woman twelve Years of Age.

Provido.

*And be it further enacted by the Authority aforesaid,* That if any Man be found in Bed with another Man's Wife; the Man and Woman so offending, being thereof convicted, shall be severely whipt, not exceeding thirty Stripes; unless it appears upon Trial, that one Party was surprized, and did not consent, which shall excuse such Party from the Punishment.

Any man found in bed with another man's wife, both to be whipt, unless &c.

Penalty on men and women that wear contrary apparel.

And that if any Man shall wear Woman's Apparel, or if any Woman shall wear Men's Apparel, and be thereof duly convicted; such Offenders shall be corporally punished on fised at the discretion of the County Court, not exceeding *Five Pounds*, for the use of the Treasury of the County where the Offence is committed.

An Act for regulating Maritime Affairs.

Preamble.

*WHEREAS* through the blessing of God upon this State, the Navigation and Maritime Affairs thereof are grown to a considerable Interest; the well Management whereof is of great Concernment to the public Weal: And for the better ordering the same, and that there may be known Laws and Rules for all Sorts of Persons employed therein, according to their several Stations and Capacities:

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same,

S E C T I O N I.

Minor part owners to be concluded by the major part.

That whereas there are many Times differences between Owners of Ships, Ketches, Barques, Sloops and other Vessels in setting forth their several Parts; whereby Damage doth accrue to the particular Concernment of Owners; and if not prevented may be a great Obstruction of Trade, where there are several concerned as Owners in any Ship, Ketch, Barque, Sloop or other Vessel whatsoever, used for Traffic, Commerce, Fishing, Log-Board, Wood or Stave Carriage, upon salt or fresh Water; All such Owners of lesser Part shall be concluded for setting forth of their Part, by the major Part of the whole concerned; such Owners to be concluded, having Notice given them of the Meeting, and of such Conclusion, if they be nigh Hand.

Any owner failing to provide, &c. master may bottomry.

And in case of any Owner refusing, or by reason of Neglect or Absence, or not able to provide for the setting forth his Part, The Master of such Ship or Vessel may take up upon the Bottom for the setting forth of the said Part; the which being defrayed, the remainder of the Income of such Part to be paid by the Master to the said Owner.

S E C T I O N II.

Owners refusing to sign charter party, to make protest, &c.

And in case of Freightment, where any Owner shall refuse to assent to the letting out of Ship or Vessel, where he is interested, such Dissenter shall manifest it by some public Act of Protest, before the signing of Charter-Party; except the Master, the rest of the Owners, or both conceal from him or them their Acting, then his or their Protest after Charter-Party signed by themselves or Agents, shall be taken for legal Dissent, yet not to hinder the proceed of the Ship or Vessel, but that those so sending her forth, shall be liable to respond his Part upon Insurance, according to the Custom of Merchants; which Insurance is to be defaulted out of that Part of hire due for such Owners which dissented.

S E C T I O N III.

Whereas Masters of Ships or other Vessels, have their Owners live part in one Country and part in another, whereby they have in themselves not only Opportunity, and some have made Use thereof, in their own Persons to represent the major Part of the Owners in the Place where they come.

Master to have but single vote, unless, &c.

It is therefore enacted by the Authority aforesaid, That such Master shall not be taken to have Vote in the ordering of such Vessel further than his own Interest, except he make it appear to the rest of the Owners where he is, that he is authorized under the Hands of such Owners absent, and then he is to have Votes according to the Proportion of parts he so stands for, and the majority of parts are to carry it as before: Nevertheless it is to be understood, that any Owner hath Power to make Sale of his Part, either to the rest of the Owners, or others, as may be most to his own Advantage: And if any Master shall pre-

sume to act contrary hereunto, what Damage shall be sustained by the rest of the Owners, the Master shall be liable to make good, it being duly proved against him.

S E C T I O N IV.

Every Master taking Charge as Master of any Ship, or other Vessel, and not being sufficient to discharge his Place, or that through Negligence or otherwise, shall embezel the Owner's or Employer's Stock or Time, or shall suffer his Men to neglect their due Attendance on Board, both by Day and Night, especially while Merchants Goods are on Board, and that himself or Mate be not on Board every Night to see good Orders kept; upon defect therein, such Master shall be liable to pay the Damage that shall accrue by such Neglect, it being duly proved against him.

Penalty on Masters not attending on board.

S E C T I O N V.

For the Masters better securing their Men to them, and to prevent all covens, They shall make clear Agreements with their Mariners and Officers for their Wages; and those Agreements enter into a Book, and take the several Men's Hands thereto; a Copy whereof, the Master as a Portledge Bill, shall leave with the Owners, if required of them before their setting sail upon the Voyage; and all such Agreements the Master shall make good to the Seamen, and such Ship or Vessel as they sail in, shall be liable for to make good the same.

Masters to make particular agreements with seamen.

S E C T I O N VI.

All Masters of greater or lesser Vessels, shall make due and meet Provisions of Victuals and Drink for their Seamen and Passengers, as the Custom and Capacity of the Places they sail from will admit, upon Penalty of paying Damages sustained for neglect thereof.

Masters to make due provisions.

S E C T I O N VII.

That no Master shall ship any Seaman or Mariner, that is ship't before by another Master, or employed upon a Voyage, nor shall any Seaman ship himself with any other Man, until he be discharged from him that ship't him first; upon Penalty of him that entertains him to pay one Month's Wages that such Seaman agrees for, as also of such Seaman shipping himself to pay one Month's Wages that he agrees for; the Half thereof to be paid to the use of the poor of the Town or Place where the Offence is committed, the other Half to the Complainor or Informer.

Penalty for shipping seamen belonging to other vessels.

S E C T I O N VIII.

No Master of Ship or Vessel shall sail into any Haven or Port, except necessitated thereunto by Wind or Weather, or for the want of Provision, or for security from Pirates; but such Port as by Charter-Party, or his Bills of Lading he is bound unto, until he hath delivered his Goods according to his Engagement; and in Case any Master shall take in Goods for more Ports or Places than one, he shall declare himself to do, to those that freight upon him; and in Case he shall voluntarily go to any other Port or Harbour than he is obliged to as aforesaid, if Damage to the Merchant's Goods happen thereby, such Master shall make good the same, it being duly proved against him.

Master not to deviate in the voyage, unless necessitated, &c.

S E C T I O N IX.

Any Master hired out, or employed by his Owners upon any Voyage, receiving Advice from his Employers, that the alteration of the Voyage when they are abroad may be much for their Security and Advantage, by going to some other Port, the Master seeing meet to close with that Advice, the Mariners shall not hinder his proceed, unless where any of the Seamen shall have made a particular Contract with the Master to the contrary.

Unless in certain cases.

Provided, That they be not carried to stay out above one Year, nor be carried to any Place where they may be liable to be pressed into a Service they are not willing unto.

Provide.

SECTION X.

Wages to be paid according to agreement.

Masters shall see their Officers and Mariners be duly paid their Wages, according to Agreement made with them, upon the finishing of their Voyage, without Delay or Trouble; upon Penalty of paying Damages for neglect, and all Costs that the Seamen shall be at for the recovering the same.

SECTION XI.

Whereas many Times Masters take in Merchant's Goods on board their Ships or Vessels upon freight, when yet they are not meetly fitted with the suitable Tackling and Seamen, for the security of such Ships or Vessels and Goods.

Masters, ships and seamen to bear loss of goods damaged by their neglect, &c.

Be it further enacted by the Authority aforesaid, That in case any Master of Ship or Vessel, after he had laden upon his Ship or Vessel any Merchants Goods to be transported, shall, for want of sufficient Ground-Tackle, (if to be had) or because of want of sufficient Men being on Board, come ashore to the damage of such Merchants or Freighters in their Goods, the Ship shall be liable to make good such Damages; and in case the Defect appear to be in the Master and Men, both or either, the Owners shall recover such Damage from them.

SECTION XII.

Damage of goods when ships fall foul &c.

Where any Ship-Master hath moored his Ship or Vessel, none other shall come so near to him first moored, as to do him Damage, or receive Damage by him; upon the Penalty of him so coming, to make good all the Damage, and to be further punished if wilfulness or perverseness in the Action be proved against him.

SECTION XIII.

Master running on board any ship at anchor, &c.

In case any Master of Ship or Vessel under Sail, shall run on Board any other Ship or Vessel at an Anchor, and damage him, the Party offending shall pay the Damage, and such Ship or Vessel as he sails in shall be liable to Arrest for the making good the Damage: The Damage to be judged by indifferent Men appointed by the Judges thereof; unless the Parties agree among themselves.

SECTION XIV.

Goods thrown overboard to save the rest, to be made good by average.

In case of loss of Goods by reason of throwing some over-board to ease the Vessel to save the rest, (which throwing over of Goods shall not be done without the Master and major Part of the Company's Consent; or at least of the Officers with the Master): Which Goods shall be brought into an Average, and the whole Loss to be born by Ship and Goods and Wages in Proportion that are saved: The like course shall be for cutting of Masts, and loss thereof; or Boats, Cables or Anchors; as also of Rigging and Sails, for the safety of the Whole; the Merchants Goods are to bear a part of the Loss.

SECTION XV.

Damage by insufficient bottom.

In case a Ship or Vessel at setting forth, proves deficient, and gives over the Voyage, the Charges the Merchant hath sustained in shipping and landing his Goods, shall be born by the Master and Owners of such Vessel that presumes to take Goods into an insufficient Bottom.

SECTION XVI.

Damage at sea.

Any Ship or Vessel at Sea receiving Damage by the Master's or Mariner's Negligence, yet bringeth the Merchant's Goods home, and delivereth them according to Bill of Lading, he shall receive his Freight: But if the Goods be damaged, the Master or Mariners shall make good the Damage.

SECTION XVII.

Damage by ships breaking loose for want of ground tackle.

If any Ship or Vessel in Storm, shall break loose, and fall upon another, and do her Damage for want of Ground-Tackle, the Ship breaking loose shall make good the Damage: But if it appear the Master or Mariners, or both are negligent of freshing their Hawse, or clearing their Cables, they shall pay the Damage for such Neglect.

SECTION XVIII.

All Mariners being shipt upon a Voyage, and in Pay, shall duly attend the Service of the Master's Ship or Vessel for the Voyage, and not absent themselves by Day or Night, without Leave from the Master, upon forfeiting for every Offence the Sum of *Five Shillings*.

Mariners not to be absent without leave.

SECTION XIX.

No Officers or Mariners shall be disorderly or unruly to occasion Disturbance in the Ship or other Vessel he is shipped upon, to hinder or damnify the Voyage; to be proved by the Master or other Mariners, or both, upon Penalty of paying the Damage, if able; and in case of Inability to pay, to suffer corporal Punishment, as the nature of the Offence may require: And in case the Master shall conceal the Offences of such, and refuse to give Evidence therein, they shall be amerced or imprisoned, as the Judges shall see meet.

Officers or mariners disorderly, how punished.

SECTION XX.

If any shall undertake the Charge of Pilot, Boatswain, Gunner, or any other Office in Ship or other Vessel, and not be able to discharge the Duty of the Place; such shall lose their Wages in Part or in Whole; and be further punished for their Presumption, as the Judges shall see meet.

Ignorance how punished.

SECTION XXI.

All Mariners shall keep true Watch at Sea or in Harbour, as the Master shall appoint, upon pain of forfeiting *One Shilling* for every Default, to be defaulked out of their Wages.

Watch to be kept.

SECTION XXII.

Any Mariner that hath entered upon a Voyage, and shall depart, and leave the Voyage, shall forfeit all his Wages; one half to the Poor, the other half to the Master and Owners, and be further punished by Imprisonment, or otherwise as the Case may be circumstanced; to be judged by the Magistrate or Magistrates which are complained to, except such Seaman shall shew just cause for his leaving the Voyage, and shall procure an Order therefor from Authority.

Mariners deserting the Voyage.

SECTION XXIII.

If any Mariner shall have received any considerable Part of his Wages, and shall run away from the Ship or Vessel he belongs to, and decline the Service of the Master in the Prosecution of the Voyage; he shall be pursued as a disobedient run-away Servant, and proceeded with as such an one.

Run away mariners.

SECTION XXIV.

If any Mariner shall entertain any Person or Persons, on board the Ship or Vessel he sails in, without the Masters Leave; or if Masters or Mariners shall do it at unreasonable times; he or they shall forfeit *Twenty Shillings*, one half to the Poor, the other half to the Owners.

Mariners entertaining others without leave.

SECTION XXV.

No Seaman or Seamen, or Officer, shall commit any Outrage upon the Master of any Ship or Vessel; but those so offending shall be severely punished by Fine, or corporal Punishment, as the fact shall appear to be circumstanced to the Judges that shall hear it, and as they shall judge meet. If any Officers or Mariners shall combine against the Master, whereby the Voyage shall be diverted, or hindered, or that damage thereby shall accrue to the Ship and Goods: they shall be punished with loss of Wages, or otherwise as Mutineers, as the Case may require.

Outrage on the master.

SECTION XXVI.

In Case any Ship or Vessel be in distress at Sea, by Tempest or other Accident, the Mariners shall do their utmost Endeavour to assist the Master in saving Ship and Goods; and not desert him without apparent Hazard that by staying they may lose their Lives.

Ships in distress not to be left.

SECTION XXVII.

And in Case of suffering Shipwreck, the Mariners are without dispute, upon their getting on Shore, to do their utmost Endeavour to save the

Mariners duty to do their utmost in shipwrecks to save goods.

Ship or Vessel, Tackle and Apparel ; as also the Merchants Goods as much as may be ; out of which they shall have a meet Compensation for their Hazard and Pains : And upon Conviction of Negligence therein, shall be punished according to the Demerit of the Offence.

An Act relating to Masters, and Servents or Apprentices.

Single persons not to keep house, &c. unless, &c.

Persons under parents, &c., incapable to contract, &c.

Servants not to trade without licence.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That no Man that is neither married, nor hath any Children, nor Servant, nor is a public Officer, shall keep House of himself, without the Consent of the Town where he lives, under Penalty of *Twenty shillings* per Week.

That no Person under the Government of a Parent, Guardian or Master shall be capable to make any Contract or Bargain, which in the Law shall be accounted valid, unless the said Person be authorized or allowed so to Contract or Bargain, by his or her Parent, Guardian or Master ; in which Case such Parent, Guardian or Master shall be bound thereby.

That no Servant Man or Maid, shall either give, buy, sell or exchange any Commodity whatsoever, without Licence from their Master, during the Time of their Services under Pain of Fine or corporal Punishment, as the Offence shall deserve, by the Judgment of the Court.

*And whereas some stubborn, refractory and discontented Servants and Apprentices, do sometimes withdraw themselves from their Masters Service :*

Apprentices to serve treble time for absconding, &c.

*Be it therefore further enacted by the Authority aforesaid,* That whatsoever Servants or Apprentices of fifteen Years of Age, or upwards, shall unjustly Offend in that Kind, by withdrawing or absconding from their Master's Service, before their Covenants or term of Service are expired, they shall serve their Masters the treble Term, or threefold the Time of their Absence in such Manner.

Run away servants to be pursued.

And when any Servant, Servants or Apprentices shall run from their Masters, it shall be lawful for the next Assitant, or Justice of the Peace, or Constable, and two of the chief Inhabitants in such Town where no Assitant or Justice is, to press Men and Boats, (if Occasion be) at the Master's Request and Charge, to pursue such Servants and Apprentices, by Sea or Land, and to bring them back by Force.

Servants protected and relieved from the cruelty of their Masters.

That if any Servant or Apprentice shall flee from the Tyranny or Cruelty of his or her Master, to the House of any Inhabitant of the same Town whereto he or she belongs, such Servant or Apprentice shall be there protected and sustained till due Order be taken for his or her Relief.

Provide-

*Provided,* Due Notice thereof be forthwith given to his or her Master, and to the next Assitant or Justice of the Peace : Which Authority shall cause said Master and Servant, or Apprentice, to come before him, and shall reconcile them if he can ; but if not, may according to his Discretion, bind over the said Master to the next County Court ; and also bind over said Servant or Apprentice to said Court, or give Orders for his or her safe Custody in the mean Time, and for his or her Appearance before said Court : Which Court on hearing the Matter may upon Default found in the Master, discharge such Servant or Apprentice from his or her Indenture and Service.

If default in the master, &c.

If in the servant, &c.

And if default be found in the Servant or Apprentice, may inflict such proper Punishment upon him or her, as the said Court in their Discretion shall think fit.

Meeting-Houses.

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An Act directing how to proceed when it shall be necessary to build a Meeting-House for divine Worship.

**B**e it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That when any religious Society, allowed to be such by this Assembly; or established and approved by the Laws of this State, (those only tolerated by the Laws of this State, and dissenting from us, excepted) shall by their Vote (wherein two third Parts of the Inhabitants, qualified by Law to vote, and present in the Meeting of such Society) declare it to be necessary to build a Meeting-House; every such Society shall apply to the County Court in the County where such Society, or the greater Part thereof is situate, to appoint and affix the Place whereon their Meeting-House shall be erected and built.

When a meeting house is to be built, application to be made to the county court.

And the County Courts in the respective Counties, are hereby authorized and empowered to hear all concerned, and take proper Measures for affixing such Place; and to appoint, order and affix the Place whereon their Meeting-House shall be erected and built: Which be done, concluded and ascertained by the Judgment of the County Court, in the County where such Society, or the major Part thereof is situate; the Committee of such Society shall forthwith give due Notice to the Inhabitants thereof to meet at some suitable Time and Place, to authorize and appoint some meet Persons to be a Committee for setting up, building and finishing an House proper and suitable for such Use, on the Place appointed, as aforesaid.

To affix the place.

At which Meeting the said Society shall proceed to grant and levy a Tax on the Inhabitants of such Society, to be collected and paid to the Society Treasurer, to enable said Society to go forward with the said Building.

To tax.

And the Clerk of the Society shall keep the Account of their Disbursements: And every such Clerk shall certify the County Court which gave such Order, the Doings of the Society at their next Sessions after fixing the Place, as aforesaid; as also the Progress of the Committee in building such House, to each County Court in the County at their stated Sessions, till the House be finished. And for every neglect of his Duty therein, shall incur the Penalty of *Two Pounds* to the County Treasury in such County: To be recovered of such Clerk before the County Court in the County where the Society is situate; by Action, Bill, Plaint or otherwise as the Law will allow.

Clerk of the society to certify their doings to the county court.

Penalty for neglect.

Be it further enacted by the Authority aforesaid, That if the County Court in such County do find by the Clerk's Certificate, that the Inhabitants of such Society do not proceed to set up and finish a Meeting-House at the Place appointed, as aforesaid, and certify the same to this Assembly; this Assembly will assess and levy upon such Society, from Time to Time, such Sum and Sums of Money as may be needful, to set up and finish such Meeting-House: Which shall be by Order of this Assembly accordingly improved.

Assembly to tax in case, &c.

And every such Sum of Money shall be by the Treasurer of the State added to the public Tax of the Society, and gathered as a part of the public Tax, by the Comptroller who gathers the State Rate, and paid into the public Treasury, to be reimbursed for the Use aforesaid: Who shall by Order of this Assembly, deliver the same to such Person or Persons as by Assembly shall be appointed.

How reimbursed.

And be it further enacted by the Authority aforesaid, That it shall not be lawful for any of the Societies aforesaid, or for any Part of such Society to build or set up any Meeting-House for religious Worship, without procuring the County Court in the County where such Society is situate, first to ascertain the Place for it, as in this Act is limited and provided.

Not to build, &c. except.

And whosoever shall transgress this Order, shall incur the Penalty of

On penalty of *Forty Pounds*, to the Treasury of such County ; To be recovered before the County Court in the County where the Transgression is committed.

Charge to be born by the society. And the Proceedings in settling and affixing such Meeting-House Place shall be at the Charge of the Society where such House is needed : And such County Court shall be allowed the Fees for their Judgment thereon, as in the Trial of other Causes.

An Act for preserving due-Order in Town-Meetings, Society-Meetings, and in the Meetings of other Communities ; and for preventing Tumults therein.

*Preamble.* WHEREAS the Peace and good Order of Towns, Societies and other Communities do very much depend on their peaceably and orderly carrying on and managing their Affairs in their Meetings, and their regularly proceeding therein.

Therefore,

*Penalty for disturbing a ny meeting, &c.* **B** it enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That when any Town, Society or Proprietors Meeting, or the Meeting of any other Community is lawfully assembled, if any Person or Persons whatsoever, shall in such Meeting or Assembly, by tumultuous Noise, Quarrelling, or by any unlawful Act, disturb such Meeting, or hinder the Members thereof from proceeding in an orderly and peaceable Manner to the choice of their Moderator, or after the choice of such Moderator, shall vilify or abuse him, or interrupt him in the discharge of his Trust ; or after he hath commanded Silence in such Meeting, shall speak in the Meeting to the disturbance of the Business of the Meeting, without the Moderator's Leave first had and obtained, (unless it be to ask reasonable Liberty to speak) such Person or Persons so offending in any of the Particulars above-mentioned, contrary to the Intent of this Act, shall for every such Offence forfeit and pay a Fine of *Five Shillings* to the Treasurer of the Town where the Offence is committed.

*Triable by an assistant or justice.* All Offences against this Act to be heard and determined by any one Assistant or Justice of the Peace ; unless the Offence be aggravated by some notorious breach of Peace ; in which Case the Offenders shall be bound over by such Assistant or Justice, to the next County Court, to answer for such Offence : Which Court may impose such Fine as the aggravations of the Offence, in their Judgment deserves ; not exceeding *Ten Pounds*.

*Adjournments to be by major part.* And that no such Meeting shall be adjourned, but by the major Part of the Members present.

An Act for forming, regulating, and conducting the military Force of this State.

*Preamble.* WHEREAS the Defence and Security of all free States depends (under God) upon the Exertions of a well regulated and disciplined Militia.

Wherefore,

*Who obliged to bear arms, and who exempt.* **B** E it Enacted by the Governor, Council and Representatives, in General Court assembled and by the Authority of the same, That all male Persons, from sixteen Years of Age to Forty-five, shall constitute the Military Force of this State, except Members of the Council, of the House of Representatives, and of the Congress of the United States for the Time being, the State Treasurer, and Secretary, Justices of the Peace, field, Commissioned, and Staff Officers, honourably discharged, Ministers of the Gospel, the President, Tutors and Students of College, Physicians and Surgeons, Select-men, constant School-Masters, one Miller to each Grist-mill, being approved by the Select-Men, and having a Certificate thereof, constant Mariners

who make it their constant Business to go to Sea, Sheriffs and Constables, constant Ferry-men, Persons disabled through Lameness or other bodily Infirmary, during the Continuance of such Disability, producing a Certificate thereof from two able Physicians, to the Acceptance of his or their commissioned Officers, non-commissioned Officers and Privates who have enlisted or shall hereafter enlist into the *Connecticut* Line of the Army of the United States, for the Term of the present War, and have faithfully served for said Term, or obtained an honourable Discharge, and Indians, Negroes and Molattoes.

*Provided nevertheless,* That such military Officers, and all Householders and others not fifty-five Years of Age, shall give their Attendance on Days appointed for viewing of Arms, as hereafter directed; and such Officers shall be subject to do their Proportion of military Duty, when called by a superior Officer, in the Office they have respectively sustained.

*And whereas sundry Persons have heretofore obtained Discharges from military Duty, on Account of temporary Disorders and Infirmities of Body, which in many Instances are removed, and others have obtained such Discharges from an Abuse of the Provisions of the Law heretofore in force for that Purpose.*

Therefore,

*Be it enacted by the Authority aforesaid,* That no able-bodied and effective Man, in the Judgment of the commissioned Officers of the Company, within the Limits of which he may belong, shall, on Account of such Discharges, be exempted from military Duty, but shall be enrolled in their respective Companies, agreeable to the Provisions of this Act, and be liable to do Duty in such Companies as others by Law are, such Discharges notwithstanding.

*Be it further enacted,* That the military Companies shall continue and remain as they now are, in respect to the Lines of Division and Boundaries and Order of Dignification.

And that the several military Companies aforesaid, shall be divided into Regiments, Brigades and Divisions, in Manner following, viz.

Those in the Towns of *Hartford, Windsor, Suffield*, and that Part of the Town of *Farmington* lying in the Parish of *Wintonbury*, shall constitute the first Regiment.

Those in the Towns of *New-Haven, Milford, Derby* and *Woodbridge*, shall constitute the second Regiment.

Those in the Towns of *New-London* and *Lyme*, shall constitute the third Regiment.

Those in the Towns of *Fairfield, Stratford* and *Reading*, shall constitute the fourth Regiment.

Those in the Towns of *Windham, Mansfield, Coventry* and *Ashford*, shall constitute the fifth Regiment.

Those in the Towns of *Wethersfield* and *Glastenbury*, shall constitute the sixth Regiment.

Those in the Towns of *Say-Brook, Killingworth* and *Haddam*, shall constitute the seventh Regiment.

Those in the Towns of *Stonington, Preston* and *Groton*, shall constitute the eighth Regiment.

Those in the Towns of *Norwalk, Stamford* and *Greenwich*, shall constitute the ninth Regiment.

Those in the Towns of *Wallingford, Cheshire* and *Durham*, shall constitute the tenth Regiment.

Those in the Towns of *Pomfret, Killingly* and *Woodstock* (except the South Company in said *Killingly*) shall constitute the eleventh Regiment.

Those in the Towns of *Lebanon, Hebron*, and the Company in the Society of *Marlborough* in *Calchester*, shall constitute the twelfth Regiment.

*Provide.*

When discharges shall not avail to exempt from military duty.

Companies to remain in the same, &c.

Divided into regts. & brigades, &c.

1st. Regt.

2d. Regt.

3d. Regt.

4th Regt.

5th Regt.

6th Regt.

7th Regt.

8th Regt.

9th Regt.

10th Regt.

11th Regt.

12th Regt.

- 13th Regt. Those in the Town of *Woodbury, Washington, New-Milford and Kent*, shall constitute the thirteenth Regiment.
- 14th Regt. Those in the Towns of *Cornwall, Sharon, Salisbury, Canaan and Norfoll*, shall constitute the fourteenth Regiment.
- 15th Regt. Those in the Towns of *Farmington*, (exclusive of that Part thereof lying in the Parish of *Winipusbury*) and *Swatbington*, shall constitute the fifteenth Regiment.
- 16th Regt. Those in the Towns of *Danbury, Ridgefield, Newtown and New-Fairfield*, shall constitute the sixteenth Regiment.
- 17th Regt. Those in the Towns of *Litchfield, Goshen, Torrington and Harwinton*, shall constitute the seventeenth Regiment.
- 18th Regt. Those in the Town of *Simsbury*, shall constitute the eighteenth Regiment.
- 19th Regt. Those in the Towns of *East-Windsor, Enfield, Bolton and East-Hartford*, shall constitute the nineteenth Regiment.
- 20th Regt. Those in the Town of *Norwich*, shall constitute the twentieth Regiment.
- 21st Regt. Those in the Towns of *Plainfield, Canterbury, Voluntown*, and the South Company in *Killingly*, shall constitute the twenty-first Regiment.
- 22d Regt. Those in the Towns of *Tolland, Somers, Stafford, Willington and Union*, shall constitute the twenty-second Regiment.
- 23d Regt. Those in the Towns of *Middletown and Chatham*, shall constitute the twenty-third Regiment.
- 24th Regt. Those in the Towns of *East-Haddam and Colchester*, (except the Company in *Marlborough* in said *Colchester*) shall constitute the twenty-fourth Regiment.
- 25th Regt. Those in the Towns of *New-Hartford, Hartland, Winchester, Berkhamsted and Colebrook*, shall constitute the twenty-fifth Regiment.
- 26th Regt. Those in the Towns of *Waterbury and Watertown*, shall constitute the twenty-sixth Regiment.
- 27th Regt. Those in the Towns of *Guilford and Branford*, shall constitute the twenty-seventh Regiment.
- Where companies are divided. And where, by the division of Companies into Regiments, which hath or shall be made, it shall so happen that a Company shall be divided, and put part into one Regiment and part into another, in such Case the minor Part of such Company shall belong to the Regiment to which the major Part belongs.
- Regiments formed into Brigades. And the several Regiments shall be formed into Brigades, in Manner following, viz.
- Bounds of the 1st Brigade. The first, sixth, nineteenth and twenty-second Regiments, shall constitute the first Brigade.
- 2d Brigade. The second, seventh, tenth, twenty-third, twenty-fifth and twenty-seventh Regiments, shall constitute the second Brigade.
- 3d Brigade. The third, eighth, twentieth and twenty-fourth Regiments, shall constitute the third Brigade.
- 4th Brigade. The fourth, ninth, thirteenth and sixteenth Regiments, shall constitute the fourth Brigade.
- 5th Brigade. The fifth, eleventh, twelfth and twenty-first Regiments, shall constitute the fifth Brigade.
- 6th Brigade. The fourteenth, fifteenth, seventeenth, eighteenth and twenty-fifth Regiments, shall constitute the sixth Brigade.
- Light dra-goons form'd into regi-ments. And be it further Enacted, That the Companies of Light-Dragoons which have, by virtue of the Laws heretofore made, been formed out of the Regiments of Infantry, shall be formed into Regiments in Manner following, viz.
- 1st. Regt. Those in the first, second, sixth, seventh, tenth and twenty-third Regiments of Infantry, shall constitute the first Regiment.
- 2d. Regt. Those in the third, eighth, twelfth, twentieth, twenty-fourth and twenty-seventh Regiments of Infantry, shall constitute the second Regiment.
- 3d. Regt. Those in the fourth, ninth and sixteenth Regiments of Infantry, shall constitute the third Regiment.

Those in the fifth, eleventh, nineteenth, twenty-first and twenty-second Regiments of Infantry, shall constitute the fourth Regiment.

Those in the thirteenth, fourteenth, fifteenth, seventeenth, eighteenth and twenty-fifth Regiments of Infantry, shall constitute the fifth Regiment.

*Be it further enacted by the Authority aforesaid,* That the Governor of this State for the Time being, shall be Captain-General and Commander in Chief, and the Lieutenant-Governor for the Time being, shall be Lieutenant-General of and over all the military Force of this State; and there shall be appointed by the General Assembly, as may be necessary, one Brigadier-General to the Command of each Brigade, and one Lieutenant-Colonel Commandant, and one Major to each Regiment of Infantry, and one Major in each of said Regiments of Cavalry, to be commissioned by the Governor; and in every Infantry Company where there are sixty-four Soldiers besides Officers, there shall be one Captain, one Lieutenant, and one Ensign, four Serjeants, four Corporals, one Drummer and one Fifer; and where there are thirty-two Soldiers, there shall be one Lieutenant and one Ensign, two Serjeants, two Corporals, one Drummer and one Fifer; and where there are but twenty-four Soldiers, there shall be one Lieutenant, two Serjeants, two Corporals and one Fifer; and in every Company of Cavalry of forty Soldiers (which Number no Company shall exceed) there shall be one Captain, one Lieutenant, one Cornet and one Quarter-master, four Corporals, one Clerk and one Trumpeter, which Officers the respective Companies have Liberty to nominate, the Individuals of said Companies being notified by their respective commanding Officers that he is about to lead them to the Choice of such commissioned Officers; and in Case of the Infantry, the Householders, and others by Law obliged to keep Arms, at least three Days before such Choice; and all commissioned Officers shall be established by the General Assembly, and the non-commissioned Officers by Warrant from the commanding Officer of the Regiment to which they belong.

*And be it further enacted by the Authority aforesaid,* That the Captain-General or Commander in Chief, or in his Absence, the Lieutenant-General is hereby authorised and empowered, as he may judge necessary, upon Occasion of Alarm, Invasion, or Notice of the Appearance of an Enemy, either by Sea or Land, to order the Whole or any Part of the military Force of this State to be assembled in martial Array, and put in warlike Posture, and the same lead, order, or employ for the assisting or relieving any of the Inhabitants of this or the neighbouring States attacked by an Enemy, or in Danger thereof; and generally to issue out or publish, either through the Channel of the public Prints, or by the Staff Departments, such Orders as he may judge expedient to carry into Execution the Intents and Designs of this Act; and all subordinate Officers are hereby required to yield entire Obedience thereto accordingly; and the Officers severally commanding Brigades, Regiments and Companies, are hereby vested with the same Powers and Authorities, within the Limits of their respective Commands; provided that when they, or any of them, find it necessary to order out the Force under their Command, they shall forthwith post away the Intelligence and the Occasion thereof, together with their Movements and Operations, to the Captain-General, or any other their superior Officer, as may be judged most conducive to the public Safety; and the Officer receiving such Intelligence shall observe the same Line of Conduct, in order that it may, in the most expeditious Manner, arrive to the Captain-General.

*Be it further Enacted,* That the commanding Officers of Brigades, may, as often as they see Cause, require the Attendance of any, or all the field Officers under their respective Commands, at such Time and Place as they shall appoint, to confer with them on the Subject of better ordering of military Affairs, and promoting military Skill and Discipline in said Brigades; and the commanding Officers of Regiments shall be vested with like Power, and for like Purpose, to consult, &c.

4th Regt.

5th Regt.

Governor  
Captain-General,  
Lieut.  
Governor  
Lieut. General.

Subordinate  
officers how  
appointed.

When and  
upon what  
occasion the  
whole or part  
of the militia  
of the State  
may be called  
forth.

Orders to be  
obeyed.

Proviso.

Commanding officers of regiments the like power in respect to the officers of their regiments, &c.

Officer giving up his commission without, &c.

Adjutant-General &c. to be appointed.

Pay-master, quarter-master, &c. how appointed.

Quarter-master-general. D. Quarter-master-general, &c.

to be sworn.

Quarter-master-general to provide magazines, &c.

and to receive monies by order out of the State treasury, &c.

to be accountable, &c.

ses to call together in like Manner, any or all the commissioned Officers of their respective Regiments; and the Field Officers of Regiments are hereby also empowered and directed to dignify the several Companies in their respective Regiments, and also to divide said Companies as they may, (with the Advice of the commissioned Officers of the Companies proposed to be divided from Time to Time) judge expedient, agreeably to the Provisions of this Act.

*And be it further Enacted*, That if any commissioned Officer shall give up his Commission, without Liberty from the Captain-General; and if any non-commissioned Officer shall give up his Warrant, without Liberty from the commanding Officer of the Regiment to which he belongs, every such commissioned and non-commissioned Officer shall be reduced to the Ranks.

*And be it further Enacted*, That there shall be from Time to Time appointed, as may be necessary, by Warrant from the Captain-General, one Adjutant-General over the whole Militia of this State, and one Brigade-Major in each Brigade, in like Manner, by the respective Brigadiers-General; and one Adjutant in each Regiment, in like Manner, by the commanding Officers of Regiments respectively, whose Duty it shall be carefully and diligently to collect and truly make up all Returns in their several Limits, at the Time and according to the Form or Forms that may be ordered, and generally to execute such legal Orders as may be enjoined on them by their superior Officers; and the commanding Officers of Regiments shall also, in like Manner, appoint one Pay-Master and one Quarter-Master, from the Line of their respective Regiments, and also one Surgeon and Mate; and from the lists of Serjeants, Drummers and Fifers shall appoint one Serjeant-Major, one Quarter-Master-Serjeant, one Drum-Major and one Fife-Major; and the commanding Officers of Companies shall have liberty to appoint from the list of Serjeants, one Orderly-Serjeant; which several Officers shall be liable to be displaced for Misdemeanor or neglect of Duty, by the Officers granting such Warrant, or their successors in Office.

*And be it further Enacted*, That there shall be appointed from Time to Time, as may be necessary, by the General Assembly, one Quarter-Master-General, with Power of substituting a Deputy-Quarter-Master-General in each Brigade; and the said Quarter-Master-General, his Deputies, and the Regimental Quarter-Masters shall, each and every of them, be sworn to the faithful discharge of the Duties of their office. And it shall be the Duty of the Quarter-Master-General to provide, keep and maintain a Magazine of Powder, Ball, and other warlike Stores and camp Equipage, to be ready for the use of this State as Occasion may require, according to the Directions of the General Assembly; for the procuring of which Supplies, and for the defraying the necessary Charges of his department, he shall from Time to Time, by order of the General Assembly or Governor and Council, receive out of the public Treasury of this State, such Sums of Money as they shall judge expedient, and shall give Bonds to the State Treasurer, with sufficient Surety, faithfully to apply the same, and render his Account, when required. And the said Deputy-Quarter-Master-General shall aid and assist the Quarter-Master-General in the procuring said Supplies; and are to attend such legal Orders respecting their Department, as they may from Time to Time receive from him or any General Officer, under whose Command they belong, rendering their regular Accounts of Monies received and expended, and making up and forwarding Returns, according to such Form or Forms as shall be ordered, to said Quarter-Master-General, who is hereby empowered to remove and displace any of his said Deputies, for Misdemeanor or neglect of Duty.

And it shall be the Duty of the Regimental Quarter-master to provide and keep a sufficient Quantity of Ammunition and warlike Stores for the Use of their respective Regiments, to be kept in such Place or Places as shall

be ordered by the Field Officers, which shall not be less than one Pound of good Powder, three Pounds of Ball, and six Flints for each non-commissioned Officer and effective Soldier in their respective Regiments in Time of War, and in Time of Peace half the Quantity of each of said Articles; and also two Tents, two Camp Kettles to every Company of sixty-four Privates, and in the same Proportion for a greater or smaller Number. And each regimental Quarter-master shall make Return of the State and Quantity of the military Stores and camp Equipage in their respective Regiments, certified by the commanding Officer, by the first Day of May annually, and oftner, if thereto required, to the Deputy Quarter-Master-General, in the Brigade to which they respectively belong, who, on receiving the same, is to form and make up a brigade Return of the same Kind, and transmit the same to the Quarter-Master-General, by the tenth Day of May annually, and oftner if thereto required; and said Quarter-Master-General shall make a similar Return of the State of the military Stores through the State, by the fifteenth Day of May, and oftner if thereto required, to the Captain-General.

Duty of regimental quarter-master.

*And be it further Enacted*, That every Orderly Serjeant or Clerk of the respective Companies of Infantry or Cavalry, shall take the following Oath, viz. *You do swear truly to perform the Office of an Orderly Serjeant, or Clerk, to the utmost of your Skill and Ability, in all Things appertaining to said Office, according to Law.* So help you GOD. Whose Duty it shall be to call over the Roll of the Company on Days of viewing of Arms and training Days, and to note the Defects of Individuals, by their Absence or otherwise, to execute all legal Warrants to him directed by his superior Officer, for the levying any Fine or Fines on Delinquents, with the necessary Charges arising thereon, being, by Virtue of said Warrant, as fully impowered thereto as Constables in civil Cases, and to account for the same, as hereafter provided.

Orderly serjeant or clerk to be under oath.

Form.

Their duty.

*And be it further Enacted*, That every Orderly-Serjeant of the Infantry, and each Clerk of the Cavalry, shall take an exact List or Roll of all Officers belonging to, or living within the Limits of the Company or Troop to which such Serjeant or Clerk belongs, twice in every Year at least, viz. on the first Monday of April and September annually, and oftner if thereto required by the commanding Officer of the Company to which he belongs; therein setting down and distinguishing the rank of the several Officers, and the state and condition of the Privates in said Company or Troop, according to such Form and Orders as may be given under his Hand and test of Office, and the same transmit to the commanding Officer of the Company or Troop to which he belongs; whose Duty it shall be to inspect, and if necessary, to rectify; and having certified the same under his Hand and Office, shall cause the same to be transmitted to the Adjutant or Serjeant-Major of the Regiment to which he belongs, by the tenth Day of April and September annually; which Adjutant having received the Returns of each Company or Troop in the Regiment, shall make up a similar Return of the state of the whole Regiment of Infantry or Cavalry, as the Case may be, and attest the same; and it being examined, approved and certified by the commanding Officer of the Regiment, shall, in the Case of the Infantry, be transmitted to the Brigade-Major, and in Case of the Cavalry, to the Adjutant-General, by the twentieth Day of April and September annually; and the Brigade-Major, from the Returns of the several Regiments of Infantry, shall make up a similar return of the Strength of the whole Brigade; which being by him attested and examined, approved and certified by the Brigadier-General, shall be transmitted to the Adjutant-General by the tenth Day of May and October annually, and be by him formed, together with the Returns he may receive from the Regiments of Cavalry, into a general Return of the whole Military Force of this State; which being by him attested, shall be transmitted to the Captain-General, to be by him laid

To take list of officers, &c. and transmit the same, &c.

Returns how and when to be made, &c.

before the General Assembly, at such Times as he or they shall think proper: And every Captain neglecting to make a Return as aforesaid, or shall make a false Return to the commanding Officer of the Regiment, shall forfeit and pay a fine of *Ten Pounds*; and if any commanding Officer of any Regiment shall neglect to make a regimental Return as aforesaid, or shall make a false Return, he shall forfeit and pay a fine of *Twenty Pounds*; and if any commanding Officer of a Brigade shall neglect or refuse to make a Return, as herein directed, he shall forfeit and pay a fine of *forty Pounds*; the distress thereof to be granted by the commanding Officer of the Regiment or Brigade to which such delinquent Officer belongs, or by the Captain-General, directed to the Adjutant, Brigade-Major, or Adjutant-General, as the nature of the Case shall require, and returnable in four Weeks, unless such delinquent Officer shall make a satisfactory Excuse to the Officers hereby directed to grant such Warrant, within twelve Days after such Neglect or Default shall happen.

Infantry, &c.  
how furnish-  
ed.

Penalty for  
neglect.

*And be it further Enacted*, That all such as belong to the Infantry Companies, and Householders under fifty-five Years of Age, shall, at all Times be furnished at their own Expence, with a well fixed Musket, the Barrel not less than three Feet and an Half long, and a Bayonet fitted thereto, with a Sheath and Belt or Strap for the same, with a Ram-rod, Worm, Priming-wire and Brush, one Cartouch-box carrying sixteen rounds of Cartridges, made with good Musket Powder and Ball, fitting his Gun, six good Flints, and each Militia Man one Canteen holding not less than three Pints, upon Penalty of forfeiting and paying a Fine of *Three Shillings* for want of such Arms and Ammunition as is hereby required, and *One Shilling* for each Defect, and the like Sum or Sums for every four Weeks he shall remain unprovided.

Proviso.

*Provided nevertheless*, That if any Soldier shall, in the Judgment of the Selectmen of the Town to which he belongs, be unable to arm and accoutre himself, agreeable to the directions of this Act, it shall be the Duty of such Selectmen to certify the same to the commissioned Officers of the Company to which such Soldier belongs, in order that Execution may not issue against him for deficiency in such Arms and Accoutrements; and also at the Expence of such Town, to provide such Soldier with Arms, and the whole or any part of such Accoutrements, as may be necessary, within forty Days from the Time of granting such Certificate, under Penalty of the Value of such Arms and Accoutrements, to be recovered of any or all of said Selectmen, by Warrant from an Assistant or Justice of the Peace, upon proper Information and Proof of such Neglect, by said commissioned Officers, which Warrant shall be directed to any Sheriff or Constable proper to serve the same, returnable in sixty Days, and the Fine payable into the Treasury of such Town.

And all Arms and Accoutrements thus provided, shall be the Property of such Town, and shall, by the commanding Officer of the Company, be deposited in such Place or Places as he shall think proper, to be ready for such Soldiers, as occasion shall require; and such Officers shall stand accountable for such Arms and Accoutrements, and shall be liable to pay for the same, if lost through his Neglect or Default.

Dragoons  
how accom-  
mod.

*And be it further Enacted*, That every Light-Dragoon shall always be provided with a good serviceable Horse, not less than fourteen Hands high, to the acceptance of the two chief commissioned Officers of the Company to which he belongs, covered with a good Saddle, with Housing and other proper Furniture, bitt Bridle and Holsters, a Case of good Pistols, a Sword or Cutlasi, not less than four Feet in Length, and also a Cap made of Jirk-Leather, or other Cover for the Head sufficient to withstand the Force of a Broad-sword, a Flask or Cartouch-box, one Pound of good Powder, three Pounds of sizable Bullets, twelve Flints, a good pair of Boots and Spurs, on Penalty of *Three Pounds* for want of such Horse, and the Value of each other Article in which he shall be deficient.

And be it further Enacted, That the commanding Officers of Companies shall appoint the Days of Exercise, and the Company shall have three Days Warning, which Warning shall be given by the Orderly-Sergeant or Clerk, or any Serjeant or Corporal of the Company, or in any other Way agreed on by said Companies: And every Soldier so warned as aforesaid, shall give his Attendance at Time and Place appointed, compleat in his Arms, and dressed in a soldier-like Manner: That every commanding Officer of Companies shall draw forth his Company four Days in a Year, in order to instruct them in the use of Arms and discipline of War; and the Days appointed shall be in the Months of *March, April, May, September, October and November*, annually: That on the first Munday of *May and October*, annually, such commanding Officer shall cause the Arms, Ammunition and Accoutrements of all under his Command to be reviewed; Householders and others by Law obliged to keep Arms, to be considered for this Purpose, to be under the command of the Officers of the Infantry Companies, within the Limits of which they dwell; and if any of the Persons aforesaid shall not appear on either of said Days, being duly warned, he shall pay a Fine of *Six Shillings*, for Non-appearance, and for each deficiency of Arms, Ammunition and Accoutrements, on the Days appointed for the viewing of Arms, the same Penalty as heretofore provided for neglect of furnishing such Articles, unless such Person shall appear before the reviewing Officer, within twelve Days after such day of Review or Exercise, and make satisfactory Excuse for his non-appearance on said Day, and also shew his Arms and Ammunition to such reviewing Officer, and avouch them to be his own; and that they have not, by any Person whatever, been carried for to be reviewed upon or after said Day.

Days of exercise to be appointed.

Arms, &c. to be reviewed.

Penalty for non appearance or deficiency.

And if any Serjeant of the Foot, or Corporal of the Troop, shall be delinquent in Arms, Ammunition and Accoutrements, or shall neglect to appear and attend the Duty of his Place, he shall for each day's Neglect, pay a Fine of *Nine Shillings*, and for deficiency of Arms and Ammunition, the same as in Case of a Private: That each Drummer, Trumpeter and Fifer shall, upon his accepting the Office to which he is chosen, provide himself with a good Drum, Trumpet or Fife, as the Nature of his Office shall require, and constantly attend Service when required, under Penalty of *Eight Shillings* Fine, for each day's Neglect, and also the value of the Article in which he may be deficient as aforesaid; the distress therefor, as also for the Fines and Penalties incurred by Serjeants, Corporals and Privates, for Non-attendance, Deficiency or otherwise, to be granted by the commanding Officer of the Company. And if such commanding Officer shall neglect to call forth his Company as by this Act is directed, or shall neglect to issue his Warrant of Distress for each Non-appearance and Deficiency, against delinquent non-commissioned Officers and Privates, he shall forfeit and pay as a Fine, for every day's Neglect in viewing Arms *Ten Pounds*, and for every day's Exercise, short of four Days in the Year, *Five Pounds*, and for neglecting to issue his Warrant of Distress as aforesaid, the Value due from each Delinquent in his Company. Which Fines and Forfeitures shall be recovered of such delinquent Officer by Warrant of Distress, to be issued by the commanding Officer of the Regiment to which such delinquent Officer belongs, in ten Days after such Neglect shall be known, and directed to the Adjutant, of the Regiment, and returnable in four Weeks; and such Adjutant, in case of refusal to execute such Warrant, shall be cashiered or reduced to the Ranks.

Penalty of serjeants of foot or corporals of troop.

Drummers, &c. to provide drums, &c.

Penalty for not attending

Penalty on officers for neglect, &c.

And if any Lieutenant, Cornet, Ensign, or Quarter-Master of any Company, shall neglect or refuse to appear on any muster Day, Day of Exercise, or viewing of Arms, by the Captain of such Company appointed, and attend the Duty of his Post, he shall pay for each Day's Neglect, the Sum of *forty Shillings*; the Distress therefor to be issued, directed and returned, as against commanding

Penalty on lieuts. cornets, &c. for neglect in attendance.

Officers of Companies aforesaid, unless a satisfactory Excuse shall be made to the commanding Officer of the Regiment, within twelve Days after such Day of Exercise or Review.

Regimental  
exercise.

And the commanding Officer of each Regiment shall call forth and muster together the several Companies of his Regiment, once in two Years, for regimental Exercise and Review, unless his Regiment may be so large that he may judge it best to call but one half of the Companies at one Time and the remaining Part at another Time within the Year; which Muster the several commanding Officers shall attend with their Companies, under Penalty of *ten Pounds*, to be distrained by Warrant from the commanding Officer, in Manner aforesaid.

Penalty.

Persons en-  
rolled, to do  
duty.

And every Person enrolled in any Company as aforesaid, shall attend all Duty in said Company, until orderly dismissed or removed out of the Limits of said Company, or otherwise suffer the Penalties herein provided.

Disorders  
how punished.

And the two chief Officers of any Company shall order the correcting and punishing of Disorders and Contempt, on Days of Exercise, the Punishment not being greater than riding the Wooden-horse for a Time, not exceeding one Hour, or a Fine of *seven Shillings*, to be recovered in the same Way and Manner as for Non-appearance and Deficiency; and the commanding Officer of a Regiment shall be vested with like Powers, on the Days appointed for a regimental Exercise and Review.

Duty of ser-  
jeant of foot,  
or corporals  
of horse who  
have been  
discharged.

That Sergeants of Foot and Corporals of Horse, who have heretofore or shall hereafter be regularly dismissed or discharged from any Company of Foot, or Troop of Horse, by removing or otherwise, shall be liable to do military Duty in the Company in the Limits of which they dwell, in the same Manner as Householders by Law are obliged to do.

Persons en-  
listed in the  
cavalry.

And *it is further Enacted*, That if any Person in this State shall, at any Time after the rising of this Assembly, enlist into any Company of Cavalry, which exceeds thirty Men, Officers included, at the Time of such Enlistment, or having already enlisted into any Company of Cavalry, shall not, within three Months from the Time aforesaid, furnish and equip himself agreeable to the provisions of this Act, or that shall hereafter enlist into such Company, and shall not within three Months after such his Enlistment, in like Manner furnish himself, such Person so enlisted, in either of the Cases aforesaid, shall, by the commanding Officer of such Company, be discharged and dismissed from the same; and the said commanding Officer shall thereupon forthwith certify the Name of the Person so discharged, with the Circumstances of the Case, to the commanding Officer of the Company of Infantry, within the Limits of which the Person so discharged belongs, whose Duty it shall be to enrol and require such Person to attend and do Duty in his Company. And if any commanding Officer of any Company of Infantry or Cavalry shall neglect his Duty, as herein required, he shall pay a Fine of *Five Pounds* Money for each Offence, to be recovered by Warrant from the commanding Officer of the Regiment to which he belongs.

Troop may  
pay's votes re-  
gulating  
their cloth-  
ing, &c.

And that the several Companies of Troop, and the respective Artillery or Matrois Companies established in this State, are hereby impowered, (two-thirds of said Company agreeing) to pass Votes relative to their Cloathing, directing the Colour thereof, regulating and enforcing the same, and to impose Fines not exceeding *Six Shillings* per Day, on such as neglect or refuse to comply with such Votes: Which Fines shall be levied, collected and applied as other Fines and Penalties in said Companies by Law are.

Warrants  
how served.

*Be it further Enacted*, That all Warrants granted out against any Person or Persons, for any Fine or Fines incurred by virtue of this Act, or any Breach thereof, shall be levied on the Goods or Chattels of the respective Delinquents, if upwards of twenty-one Years of Age; and for want of such Goods or Chattels, against the Body of such Delinquents, and against the Goods and Chattels of the Parents, Guardians and Masters of such Delinquents as have not ar-

rived to the Age of twenty-one Years ; and for want of such Goods and Chattels, against the Body of such Parents, Masters or Guardians, and them commit to and hold in Goal, until such Fine or Fines shall be paid and satisfied, as in cases of Execution for Debt ; which Fines shall be for the use of the Companies to which such Delinquents respectively belong, (except such Fines as are otherwise disposed of in this Act) that is to say, for procuring and maintaining Trumpets, Colours, Banners and Halberds, and for paying Drummers, Trumpeters and Fifers, or other Charges of said Company by direction of the commissioned Officers of such Company ; and the Persons respectively serving such Warrants, agreeable to the Provisions of this Act, shall make Return to the Person granting the same, therein directed, and stand accountable to him for the Monies they shall so collect.

Warrants how served.

Fines how disposed of.

*Be it further Enacted by the Authority aforesaid,* That the commanding Officers of the several Companies of Horse or Foot, and they are empowered and directed from Time to Time, to appoint an Alarm-Post, at such Place or Places as they shall think proper ; to which, upon Notice of an Alarm, it shall be the Duty of Officers and Soldiers under their respective Commands to repair without Delay, completely equipped and accoutred, as in this Act is directed there to attend such further Orders as they may receive from their commanding Officers aforesaid.

Alarm posts.

*And to the Intent that speedy Notice may be given, upon such interesting and important Occasions :*

*Be it further Enacted,* That the commanding Officers of the several Companies, shall divide their said Companies into as many Classes, in case of Horse as there are Corporals, and in case of Foot, as there are Sergeants in such Companies, in such Manner as to them shall seem meet ; which Sergeants and Corporals, upon orders received from their commanding Officers, upon occasion of Alarms as aforesaid, shall forthwith warn and notify each Officer and Soldier in the Class to them respectively assigned, to repair, equip as aforesaid ; to the Post appointed, upon Penalty of Ten Pounds Money ; and if any commissioned Officer, being so notified, shall neglect or refuse to appear and attend the Duty of his Place, he shall, unless prevented by Sickness or other Disability, be cashiered and reduced to the Ranks ; and it shall be the Duty of the Commanding Officers of Companies where such Neglect shall happen, as soon as may be, to make Information thereof to the General Assembly accordingly. And if any non-commissioned Officer or Private shall, upon such Notice, refuse to appear in Manner aforesaid, unless prevented as aforesaid, such non-commissioned Officer shall forfeit and pay a Fine of Twelve Pounds, and such Private a Fine of Ten Pounds ; which several Penalties shall be for the use of the Town where such Delinquents belong, to be recovered in Manner hereafter provided, and such Companies so collected shall proceed regularly, under the Command of their proper Officers, to such Place and Places as Exigencies may require, pursuant to such Orders as they may receive from their commanding Officers.

Divide companies into classes.

Penalty for not appearing at the alarm post.

*Be it further enacted by the Authority aforesaid,* That whensoever, pursuant to Orders from the General Assembly, or the Captain-General and Commander in Chief, any able-bodied and effective Man, shall in any Manner be duly detached, impressed or drafted into the Service of this State, or the United States, for the purposes of Defence against the common Enemy, if any such Person so detached, shall neglect or refuse seasonably to muster, join to, or proceed with the Troop he is appointed to serve with (being duly notified thereof) and under the Command of such Officers as may be ordered, he shall forfeit and pay to the Treasury of the Town to which he belongs, a Fine or Penalty of Five Pounds ; unless such Person so detached shall, antecedent to such marching Orders, have procured an able-bodied and effective Man to perform his tour of Service to the acceptance of the detaching Officer, or have shewn Rea-

Penalty on such as are drafted and neglect to muster.

son why he ought to be excused, to the commanding Officer of the Regiment to which he belongs, which by him shall be judged sufficient, and shall thereupon be excused accordingly; in which Case the detaching Officer shall forthwith detach another Person to serve in his room and stead.

*And whereas it is just, that the Services necessary for the common Defence, should be born and performed by those Persons liable to the same, in an equal Proportion:*

*Be it further enacted by the Authority aforesaid, That whenever any Part of the military Force of this State are called for, for the Purpose and Service aforesaid, from every Part of this State, the Adjutant-General shall make out the Details or Proportion of the Officers and Men so called for, from the Brigade-Returns, then last received from the several Brigades; and Orders shall issue from the Captain-General to the Brigadiers-General accordingly, designating such one or more of them as he may think proper; and the Brigadiers-General shall thereupon issue their Orders to the commanding Officers of Regiments in their respective Brigades upon the Details; and the commanding Officers of Regiments shall thereupon issue their Orders to the commanding Officers of Companies upon the Details that shall in like Manner be made by their respective Adjutants, designating such commissioned Officers as may be necessary to organize the several Companies; and the commanding Officers of Companies shall thereupon detach the Number to him assigned, designating such non-commissioned as may be required; and the said Adjutant-General, Brigade-Major, Adjutants and Orderly-Sergeants shall from Time to Time keep Roosters respectively, containing an exact Account of the number of Officers and Men, the Names of those designated, as ascertained to the Brigades, Regiments and Companies, the length of the Tour, and whatever else may be necessary to answer the End designed; and the Orderly-Sergeants shall further keep an exact Account of the Names of Individuals from Time to Time detached.*

*And the tours of Duty shall be performed in regular Rotation, due regard being had to such tours of Duty as exceed the term of two Months, so as to equalize, as near as may be, the proportion of Duty to be performed by each individual.*

*And be it further enacted by the Authority aforesaid, That whenever, upon any Alarm or Detachment, any non-commissioned Officer or Private, being noticed of such Alarm, or duly detached, as in this Law is directed, as the Case may be, shall refuse to appear, or to muster and march, according to orders received; or if any Person required by this Act to give notice of an Alarm shall, in contempt of orders received for that purpose, neglect or refuse to do the same, it shall be the duty of the commanding Officer of the Company to which the Person so neglecting or refusing belongs, forthwith to make out an Information, directed to an Assistant and Justice of the Peace, or two Justices of the Peace of the town where such delinquent belongs, and lodge the same with either of them; which Authority are hereby authorized and directed thereupon to make out a Citation, directed to any Sheriff or Constable proper to serve the same, summoning such Delinquent, and if a Minor, his Parent, Guardian or Master, forthwith to appear, if they see Cause, before said Authority, to shew Reason, if any they have, why Judgment should not be entered against him or them, for the recovery of such Fine, with Costs; and the Officer shall proceed according to the Directions in said Citation, to serve the same by reading or causing it to be read, in the hearing of such Delinquent, his Parent, Guardian or Master, as the Case may require, or by leaving a true and attested Copy of such Complaint and Citation, at his or their usual Place of Abode; and if thereupon he or they shall or shall not appear according to such Citation, said Authority shall proceed to take the Evidence in the Case, and if upon such Evidence it shall appear to said Authority, that the Charge contained in the Information is fully sup-*

Duty of adjutant-general, &c when drafts are ordered.

Details.

Roosters to be kept.

Tours of duty to be in rotation.

Non-commissioned officer or private refusing to muster or march,

or

to give notice of an alarm,

how to be proceeded with.

ported, and that the Delinquent, at the Time of receiving Orders, either to war and notify the Persons to him assigned, to repair to the Post appointed on an Alarm, to repair either himself, or being detached, to muster and march, as the Case may be, pursuant to this Act, was under no natural Disability, arising from bodily Indisposition or otherwise, said Authority shall enter up Judgment against such Delinquent, for the recovery of the Fine to which he is liable, with Costs, out of the Estate of such Delinquent, or if a Minor, out of the Estate of his Parent, Guardian or Master, and grant Execution accordingly.

*And be it further Enacted*, That if any general, field, or commissioned Officer, being appointed and designated as in this Act is directed, to take the Command of such Corps as to them shall be assigned, in their respective Offices, shall without just Cause, refuse to comply with Orders given him for that Purpose, such Officer shall be cashiered; and it shall be the Duty of the Officer that shall so designate and appoint him, to make Information to the General Assembly accordingly.

*And whereas some Persons, upon receiving Intelligence of a Detachment upon the Militia soon to take Place, may abscond or secrete themselves, with design to escape such Detachment; by Means whereof the Public may be greatly injured:*

Which to prevent;

*Be it further enacted by the Authority aforesaid*, That if any Person, liable by Law to Detachment into military Service, shall abscond or secrete himself, with design to avoid such Detachment, and at a Time when he ought to be called upon for a tour of Duty in the Judgment of the commissioned Officers of the Company to which he belongs, pursuant to the Provisions of this Act, it shall be the Duty of the commanding Officer of said Company to lodge an Information, as before directed; and thereupon the said Authority shall issue their Warrant to apprehend such Person so informed against, as soon as may be, at the same Time, if such Person be a Minor, notifying his Parent, Guardian or Master, to be present and attend the Trial (if he see Cause) and if upon the Trial, the Delinquent shall not be able to prove to the Satisfaction of the Court, that he did not abscond, secrete or absent himself with Design to escape such Detachment, the Court shall proceed to enter up Judgment against him for the Recovery of the same Sum from him, or his Parent, Guardian or Master, if a minor, and grant Execution thereon, in the same Manner as if such Person had been detached according to the most usual, legal and regular Practice.

*Be it further Enacted*, That all Fines and Penalties from Time to Time collected by Warrants issued by commanding Officers of Regiments, against any commissioned Officers of Companies in their respective Regiments, as in this Act is directed, shall be paid into the Treasury of the Town where the Persons of whom collected belong, for the Use of their Town; and all Fines and Penalties in like Manner collected by Warrants issued by any General Officer, agreeable to the Provisions of this Act, shall be to the Use of the public Treasury of the State.

*Be it further Enacted*, That the commanding Officers of the several Infantry Companies in this State, established by this Act, shall forthwith enrol in their respective Companies, all such Persons, whether of the former alarm List Companies, or others who are by Virtue of this Act, liable to military Duty.

*Be it further Enacted*, That all Persons holding and sustaining any military Offices and Commissions, by Virtue of any Act heretofore made, within the respective Brigades, Regiments, Troops or Companies, heretofore, and by this Act formed and established, except Colonel and Lieutenant-Colonel of the Cavalry, shall continue to hold and exercise the same, with all the Powers and Authorities vested in such Officers respectively, by Virtue of this Act.

Officers: refusing to take command, &c.

Persons absconding from drafts.

how proceeded with.

Fines how disposed of.

Persons liable to do duty, to be forthwith enrolled.

Persons holding any military offices and commission to continue, &c. except, &c.

*And be it further Enacted and Provided,* That the Colonels of any of the respective Regiments of Infantry heretofore, and by this Act established, now holding and in the Exercise of their Office and Commission, shall continue to hold and exercise the same, and be considered as the commanding Officers, of their respective Regiments, any Thing in this Act to the contrary notwithstanding.

*Provide.*

Non-commissioned officers guilty of neglect, mutiny, or reproachful language, how to be dealt with.

*Provided also,* That nothing in this Act shall be construed to effect or alter the State of the Companies, called the Governor's Guards, or any militia Companies, formed agreeable to the Provisions of Law.

*Be it further Enacted,* That if any non-commissioned Officer, shall refuse or neglect to do his Duty, or shall endeavour to excite a Mutiny, or shall use reproachful Language to any superior Officer when in the Execution of his Office, it shall be in the Power of the field Officers of the Regiment to which such non-commissioned Officer belongs, on Complaint being made and Fact being proved, to reduce said non-commissioned Officer to the Ranks, and do Duty as a private Sentinel in the Company to which he belongs.

Those who have procured a recruit, &c. exempt from actual service, but not from reviews, &c.

*Be it further Enacted,* That all Persons who have procured a Recruit to enlist into the Army of the United States, for three Years or during the War, agreeable to the Resolution of this Assembly heretofore made, shall be exempted from any Draft or Detachments into actual Service, agreeable to the Tenor of such Resolutions, but liable to do Duty on Days of Reviewing and Mustering; any Law, Usage or Custom to the contrary notwithstanding.

Watches and wards.

*And be it further enacted by the Authority aforesaid.* That when and so often as the Civil Authority and Select-men in any Town in this State, or the major Part of them, shall judge it necessary or highly convenient for the safety of such Town, to have Watches and Wards therein, they are hereby authorized and empowered by Warrant, to command the Constable or some other meet Person by them appointed, to warn such a Number of Men to appear at such Time and Place in said Town, as they shall think necessary. And all and every such Person or Persons that shall be notified to watch or ward as aforesaid, shall appear at the Time and Place appointed, with a good Firelock and Cartouch-box well stung, with at least six Rounds fit for his Gun, and shall observe such Directions as shall be given by order of said Authority and Select-men; who are hereby empowered to give such Orders and the Directions relating such Watching and Warding, and the Continuance thereof, as they shall judge needful.

Penalty for neglect of duty.

*And if any Person or Persons, being warned as aforesaid, or in any other Manner which the Authority and Select-men shall agree and conclude upon, shall neglect and refuse to attend at Time and Place appointed, armed and furnished as aforesaid, or to observe the Orders to them given by the Constable, or any other Person appointed as aforesaid, shall for every such Neglect or Offence pay a Fine of Six Shillings lawful Money; which by Warrant from any one Assistant or Justice of the Peace, shall be levied by the Constable, from such Delinquents, his Person, his Rarant, Master or Guardian, and disused of for the Use of such Persons as attend upon and perform said Service, under the Direction of said Authority and Select-men.*

*Whereas it is necessary that uniformity of Discipline should be practised by all Troops that may be called to act in Conjunction:*

Discipline recommended by congress adopted, &c.

*Be it further enacted,* That the Regulations for the Order and Discipline of the Troops of the United States, as ordered by Congress, in their Resolution of the 29th of March, 1779, be, and they are hereby approved and adopted as the Regulations for the Order and Discipline of the Militia of this State, so far forth as their Situation and Circumstances will admit; and in particular that the Manual Exercise, Manoeuvres and Mode of Formation

therein described, be practised; and when the Militia are called out into actual Service, that they conform themselves in all Respects to the Regulations aforesaid. And all General and other Officers are hereby enjoined to cause the same to be executed with all possible Exactness, and conform themselves thereto accordingly.

An Act concerning Mills and Millers.

**BE** it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That each Miller in this State, Mills allowed for or the Owners of Grist-Mills, shall be allowed three Quarts out of each Bushel of Indian Corn he grinds, and of other Grain two Quarts out of each Bushel he grinds; except Malt, out of each Bushel of which he grinds, he shall be allowed one Quart, and no more. And he shall be allowed at the Rate of one Pint for Bolting, out of each Bushel of Meal he bolts, and no more.

And if any Miller shall presume to take or receive a greater Toll or Fee for grinding or bolting, than is herein allowed him, as aforesaid, he shall forfeit Penalty for and pay the Sum of *ten Shillings*, for each Time he shall be convicted of any Breach of this Act: One Half whereof shall be to the Complainer who shall prosecute the same to effect, and the other Half to the Treasury of the Town where the Offence shall be committed.

And that there shall be provided for every Grist-Mill within this State, by the Owners of such Mills, sealed Measures, *viz.* One of a Pint, one of a Quart, Mills to be and one of two Quarts, for their toll Measures, with an Instrument to strike provided with the said Measures, which shall be stricken when Toll is taken of all Grain that is brought to Mill stricken Measure to be ground there.

An Act for the Settlement, Support, and Encouragement of Minifters; and for the well-ordering Estates given for the Support of the Ministry.

**BE** it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Inhabitants of any Town or Society, constituted by this Assembly, who are or shall be present at a Town or Society Meeting, legally warned, shall have Power by the major Vote of those so met, to call, and settle a Minister or Ministers among them, and to provide for his or their Support and Maintenance.

*Provided*, That no Person be allowed to Vote in any such Affairs, unless such Person or Persons have a Freehold in the same Town or Society, rated at *Fifty Shillings, or Forty Pounds*, in the assessment List, or are Persons of full Age, and in full Communion with the Church in the said Town or Society.

That the Minister or Ministers which have been, or shall be so called and settled, shall be the Minister or Ministers of such Town or Society.

And all Agreements which have been, or shall be made by the major Part of the Inhabitants of such Town or Society, qualified and met as aforesaid, with such Minister or Ministers, respecting his or their Settlement and Maintenance, shall be Binding and Obligatory on all the Inhabitants of such Town or Society Agreeing and on their Successors, according to the true Intents and Purposes thereof.

That the several Towns wherein there is but one ecclesiastical Society, and the several Societies aforesaid within this State, shall pay unto their respective Ministers for the Time being, who dispense the Gospel therein,

Mills allowed for grinding.

Penalty for taking more.

Mills to be provided with toll measures.

Power to call and settle a minister.

Proviso

Such called and settled to be the minister.

Agreements made by the major part binding on the whole.

Regard to be had to the specie and valuation. and are, or shall be according to the Laws of this State, settled or called to preach among them, annually, the several Sums or Payments agreed upon between them, as aforesaid, according to the true Intent and Meaning of such Agreements, both for the Specie, and Valuation thereof.

Annual tax to be granted And that all such Towns and Societies, by their proper Votes or Acts, shall annually take care to grant a Tax for the Purpose aforesaid, to be levied on their several Inhabitants according to their respective List, in the common List or Lists of the Persons and estates of said Inhabitants; which shall be collected by such Person or Persons as such Towns or Societies shall annually choose and appoint for that End.

Select-men & committees to take care, &c. And the Select-men of such Towns, and the Committee of such Societies, are hereby required to take all proper Care in their respective Precincts, that such Rates or Taxes be granted and collected, as aforesaid, for the Support of their Minister.

To apply to an assistant or justice, &c. And when any such Rate or Tax is granted and made, as aforesaid, the said Select-men or Committee shall apply to some Assistant or Justice of the Peace in the same County, for a Writ or Warrant, directed to the Collector or Collectors chosen and appointed to collect such Rate or Tax, enabling and requiring him or them to levy and collect the same: Which Assistant, or Justice shall forthwith proceed to grant out said Writ.

Collectors duty to be speedy, &c. And every such Collector or Collectors shall with convenient Speed, levy and collect every such Rate committed to him or them: The whole of which they shall do, and pay unto the said Minister or Ministers within two Months after the yearly Salary is become due, for the payment of which such Rate or Tax is or shall be granted.

Proviso. Always provided, That if any Person or Persons shall be assessed wrongfully, or more than his or their Proportion, they shall have Remedy by the County Court of the same County whereto he or they belong, upon Proof made thereof.

Distress against negligent collectors to be taken out by Justices, &c. And if at any Time the said two Months shall be expired, and run out, and such Minister hath not received his Salary for the Year then past; the Select-men of such Town and the Committees of such Societies where such Neglects or Delays shall happen, shall forthwith take out a Distress upon such negligent Collector or Collectors who should have collected such Rate, directed to the Sheriff of the County, or Constable of the Town, signed by an Assistant or Justice of the Peace; who are empowered to grant the same, to levy such Part of such Rate as then remains unpaid, to such Minister, out of the Estate of such Collector or Collectors; which the said Sheriff or Constable shall forthwith proceed to do, and pay the same unto such Minister.

On neglect of Selectmen, &c they to pay the arrearages, and a fine. That if any of the Select-men or Committees aforesaid, shall neglect their Duty in not taking out a Distress as aforesaid, upon the Collector or Collectors as aforesaid, such Part of the said Rate remaining unpaid, shall be paid by such Select-men or Committee so neglecting, together with a Fine of Three Pounds to the County Treasury for every such Neglect.

How recovered. All which shall be recovered by Action brought by the State's Attorney, to the County Court in the same County; and no appeal shall be granted in such case.

Societies neglecting to choose a collector, an assistant or justice to appoint &c. And in case any such Town or Society shall neglect to choose and appoint a Collector or Collectors, as aforesaid, any one Assistant or Justice of the Peace, next residing to such Town or Society shall, and he is hereby authorized to appoint and empower by his Warrant, such Collector or Collectors for the Purpose aforesaid.

Where no agreement is made, general assembly to order, &c. And where any Town or Society within this State, shall have made no Agreement with their Ministers or Minister for the Sum of their yearly Maintenance, and such Minister or Ministers do find him or themselves aggrieved by too scanty Allowance, every such Minister making Application to the General Assembly, shall by said Assembly have ordered unto him or them a

suitable and sufficient Maintenance to be given him or them by the Inhabitants of the Town or Society whereto he or they belong.

And that if any Town or Society shall be for any Year or Years without a Minister preaching the Gospel to them, such Town or Society shall in the said Year or Years pay such Sum or Payment as the General Court shall appoint, of which Payment or Payments the Collector or Collectors who shall collect the same shall make Certificate to the next County Court of that County, which Court shall dispose of and improve the said Sums for the Use of the Ministry in the Town or Society where it is collected as soon as Opportunity may be had for it according to the Discretion of the Court.

Town or Society being without a minister for a year, &c. to pay, &c.

And whereas there have been divers Grants, Donations, or Sequestrations of Lands, Monies, or other Estates or Interests, made for the Use and Support of the Ministry, settled and established by the Laws of the State; by Means whereof, in sundry of the Towns and Societies in this State, there are considerable Estates belonging to such Towns or Societies, for the Use and Support of the Ministry therein settled, or that shall be settled as aforesaid.

And whereas it is convenient that suitable Provision be made for the taking Care of, and improving such Estates for the End designed in granting, giving or sequestrating the same:

Therefore,

Be it further Enacted, by the Authority aforesaid, That where there are any Lands, Monies, or other Estates granted, given, or sequestred according to ancient Custom, Usage or Practice, or shall hereafter be given, granted, or sequestred for the Use and Support of such Ministry in any Town or Society in this State, then and in every such Case, the Select-men for the Time being, of such Town where there is but one ecclesiastical Society; and the Committees for the time being, of such Ecclesiastical Societies, as have been, or shall be Constituted by this Assembly; or a Committee appointed by such Town or Society, (which Committee they are hereby respectively empowered to that End to appoint) shall have full Power and Authority to demand, recover, receive, take care of, and improve all such Lands, Monies, or other Estates, to, and for the Use and Support of such Ministry settled in such Town or Society which they respectively represent, according to the true Meaning, Intent and Design in such Grants, Donations, or Sequestrations contained; and for their Improvement thereof, and of the Increase, Profits and Interests thereof to be accountable from Time to Time to such Town or Society as they respectively represent.

Estates given for the support of ministry how to be improved, &c.

And that such Select-men and Committee may be enabled the better to do said Service;

Select-men & Committees to make contracts, &c.

Be it further enacted by the Authority aforesaid, That the Select-men and Committee aforesaid, or the major Part of them, shall and may make all proper and necessary Contracts, and commence, prosecute and pursue all needful Suits, Actions and Causes in Law, for the Purpose and End aforesaid.

And that such Select-men and Committees as shall from Time to Time succeed, and come in the Room and Stead of others removed by Death or otherwise, shall have the same Power in their own Names to Act, appear, prosecute and pursue, in and upon any Contract, Suit, Action or Cause, for or concerning the Matters aforesaid, as fully as those whom they succeed in the Office aforesaid, might or could do if they had not been removed, as aforesaid.

Successors enabled to sue, &c.

And whereas divers of the Societies aforesaid, are made, or such Societies may be hereafter made and constituted of two or more adjoining Towns, so that part of the Inhabitants of the Society live in one Town, and part in another.

And whereas by Virtue of the Grants, Donations, or Sequestrations aforesaid, such Part of a Society that live in one of the said adjoining Towns, have or may have Lands, Monies, or other Estates, belonging to that Part distinct from the rest of the Society, for the Use aforesaid.

Such parts of societies as have distinct interest, to meet, &c.

*Be it therefore further Enacted by the Authority aforesaid, That such parts of Societies having such distinct Interests, shall, and may meet among themselves, and from Time to Time act, order, and direct, respecting such their distinct Interests, for the Use aforesaid, according to the Provision before in this Act made for Societies in regard to such Interests.*

And to form themselves agreeable to Law.

*And where any such Parts of a Society have not already had any Meeting, or formed themselves, they may, and hereby are directed to take the same Method in forming themselves as Societies by Law are directed to take, in their first forming themselves to act: And being formed, may choose a Clerk, who shall be sworn to a faithful Discharge of his Trust; and also may choose a Committee to take care of and improve the Interests aforesaid, for the Use aforesaid; who shall have the same Power and Authority, and be under the same Regulation in their said Trust, as is given and provided by this Act, to, and concerning the Committees of Societies respecting such Interests.*

To warn meetings, &c.

*And the said Committee of such Part of a Society may warn Meetings of the Inhabitants of such Parts; and appoint Time and Place for that Purpose, or on their Neglect or Refusal, the Clerk of such Part of a Society, on Application of any five Inhabitants, may warn the same by setting up a Warning for that Purpose, in some proper Place or Places within the limits of such part of a Society. In which Meetings the Inhabitants may proceed to act in any Matters proper for them to act in.*

Provide.

*Provided always, That no Meeting mentioned in this Act, be held within less than five Days after Warning given, or set up, as aforesaid: and that no Person be allowed to vote or act in any Meeting of any Town, Society, or part of a Society, in the Matters aforesaid, not qualified as before in this Act is provided, or that doth not belong to, or pay towards the maintenance of that Ministry for the Support whereof such Interests have been, or shall be granted, given, or sequestred, as aforesaid; any Thing before in this Act to the contrary in any wise notwithstanding.*

## An Act ascertaining the Value of Money.

Money fixed, silver at the rate of six shillings per dollar, gold, at the rate of five shillings & four pence per dwt.

*BE it enacted and declared by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That the several Sums of Money, that are, or shall be mentioned, fixed, or stated by the Laws of this State, for Fines, Fees, Penalties, Duties, Bounties, Fares, Forfeitures and the like, (unless some other Coin or Currency be, or shall be therein expressed and fixed) are and shall be understood and taken to be lawful Money; that is to say, Gold or Silver Coin, estimating the silver Spanish milled Dollars, weighing not less than seventeen Penny-weight and six Grains, at Six Shillings each, and all other silver Coin in Proportion thereto, according to its Weight and Fineness; and that all Gold Coin of the fineness of a Half-johnston, shall be at the Rate of Five Shillings and Four-pence a Penny-weight, and so in Proportion according to its Weight and Fineness. And the said Fines, Fees, Penalties, Duties, Bounties, Fares, Forfeitures, &c. may be answered and discharged in silver and gold Coin, at the Rates aforesaid; unless where any particular Law doth or shall expressly order otherwise.*

Provide.

*Provided nevertheless, That nothing in this Act is meant or shall be construed to interfere with the Right and Power delegated to Congress of regulating the Alloy and Value of Coin that may be struck by their own Authority, or by that of the respective States; any Thing herein to the contrary notwithstanding.*

**An Act to oblige the several Towns on the Post-Roads, to erect Monuments, shewing the Distances from the several County Towns on said Roads.**

**B**e it Enacted by the Governor, Council and Representatives, in General Court assembled and by the Authority of the same, That it shall be the Duty of the Select-men in the several Towns, on the several Post-Roads in this State, at the Expence of such Town, to erect and keep up *Mile Stones*, at least two Feet high, near the Side of the common travelling Road, marked with the Distances from the County Town of the County where such Town lies, according to the Mensuration made by public Order.

Be it further enacted, That if the Select-men in such Towns, shall neglect to erect such Stones, marked as aforesaid, and to keep up the same for the Space of one Month after Notice given to them for that purpose, shall pay and forfeit the Sum of *Forty Shillings*, one Half to him or them who shall prosecute the same to Effect, the other Half to the Treasury of the Towns where such Select-men belong.

And be it further Enacted, That if any Person or Persons, shall presume to pull down, break or deface any such Monument or Monuments, or any other Monuments for the Direction of Travellers, erected by the Order or Approbation of the Select-men, shall incur a Penalty of *Forty Shillings*; to be recovered by the Select-men of such Town where the Offence is committed; for the Use of said Town, by Bill, Plaint, or Information, before any Court proper to try the same.

### An Act for suppressing of Mountebanks.

**WHEREAS** the Practice of Mountebanks, in dealing out and administering Physic and Medicine, of unknown Composition, indiscriminately to any Persons, whom they can by fair Words induce to purchase and receive them, without duly consulting, or Opportunity of duly consulting and considering the Nature and Symptoms of the Disorder for which, and the Constitution and Circumstances of the Patient or Receiver, to whom they administer, has a Tendency to injure and destroy the Health, Constitution and Lives of those who receive and use such Medicines.

And whereas the Practice of Mountebanks, in publicly advertising, and giving Notice of their Skill and Abilities to cure Diseases, and the erecting public Stages and Places from whence to declaim to, and harangue the People on the Virtues and Efficacy of their Medicines; or to exhibit by themselves or their Dependents, any Plays, Tricks, Juggling, or Feats of uncommon Dexterity and Agility of Body, tends to draw together great Numbers of People to the Corruption of Manners, Promotion of Idleness, and the Detriment of good Order and Religion, as well as to tempt and ensnare them to purchase such unwholesome and oftentimes dangerous Drugs.

**B**e it therefore enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That no Mountebank, or Person whatsoever, under him, shall exhibit, or cause to be exhibited on any public Stage or Place whatsoever, within this State, any Games, Tricks, Plays, Juggling, or Feats of uncommon Dexterity and Agility of Body, tending to no good and useful Purpose, but tending to collect together Numbers of Spectators, and gratify vain or useless Curiosity.

Nor shall any Mountebank, or Person whatsoever under him, at or on any such Stage or Place, offer, vend, or otherwise dispose of, or invite any Persons to collect, to purchase or receive any Physic, Drugs or Medicine recommended to be efficacious and useful in various Disorders.

Select-men...  
to erect  
mile stones  
on the roads.

Penalty for  
neglect in  
erecting.

Penalty on  
such as pull  
down, or de-  
face monu-  
ments.

Preamble.

No mounte-  
bank, &c.  
publicly to  
exhibit  
tricks,

Nor offer  
physic for  
sale.

Penalty of  
20l.

Informing  
officers to  
make pre-  
sentment.

Proviso.

*Be it further enacted by the Authority aforesaid, That if any Person or Persons shall be guilty of any Breach of this Act, on Conviction thereof before any Court proper to try the same, every Person so offending shall forfeit and pay the Sum of Twenty Pounds, for each and every such Offence, for the Use of him who shall sue for, and prosecute the same to Effect, and so toties quoties.*

*Be it further enacted by the Authority aforesaid, That it shall be the Duty of all informing Officers, to make Presentment of all Breaches of this Act ; in which Case the Fine shall belong to the Treasury of the County wherein such Conviction is had.*

*And it further provided, That if any Servant, or any Minor or Apprentice under Age, shall be guilty of breaking any Paragraph of this Act, on Conviction thereof, his or their Fine or Penalty shall be paid by the Parent, Master or Guardian, under whose Direction the same shall be committed or done ; and that Execution shall be awarded accordingly.*

### An Act for the Punishment of Murder.

Murder to be  
punished with  
death.

*BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That if any Person shall commit any wilful Murder, upon Malice, Hatred, or Cruelty ; not in a Man's just and necessary Defence ; nor by Casualty against his Will : Or shall slay or kill another through Guile, either by Poisoning, or other such atrocious Practices, he shall be put to Death.*

*And whereas many lewd Women that have been delivered of Bastard Children, to avoid their Shame, and to escape Punishment, do secretly bury or conceal the Death of their Children ; and after, if the Child be found Dead, the Mother thereof is apt to alledge that the said Child was born Dead ; whereas it sometimes falleth out (although hardly to be proved) that the said Child or Children were murdered by the said Women, their lewd Mothers ; or by their Assent or Procurement.*

Murder of a  
bastard child  
to be punish-  
ed with death

*Be it further enacted by the Authority aforesaid, That if any Woman be delivered of any Issue of her Body, Male or Female, which if it were born alive would by Law be a Bastard ; and that she endeavours privately, either by drowning, or secret burying thereof ; or any other Way, either by herself, or by the procurement of others, to conceal the Death thereof, that it may not come to light whether it was born alive or not, but be concealed : In every such Case, the Mother so offending, shall be accounted guilty of Murder ; and shall suffer Death therefor as in Case of Murder : Except such Mother can make Proof by one Witness, (at least) that such Child was born Dead.*

Mode of evi-  
dence pointed  
out.

### • An Act for the Regulation of Navigation.

Preamble.

*WHEREAS* this State, as a free, sovereign and independent State, has an equal Right with all other sovereign Powers, to the free and undisturbed Navigation of the High Seas, and to participate equally with them in all the Immunities, Privileges, Benefits and Advantages accruing thereby ; and resulting therefrom, and to exercise a concurrent Jurisdiction thereon ; and to make such Laws, and exercise such Powers, consistent with the Laws of Nature and Nations, as shall tend to regulate, protect and defend the Subjects and Citizens of this State in the free Enjoyment thereof. Wherefore,

*BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Governor of this*

State for the Time being, shall be the *Super-Intendant of Marine*; and "all Commissions, Letters of Marque and Reprisal, Passports, Letters of Safe-Conduct, Plags of Truce, Registers, and all other Papers and Documents whatsoever, relative to the Marine Department, that may issue out under the Authority, and agreeable to the Laws of this State, shall be in his Name, in the Style of Governor, and *Super-Intendant of Marine* for the State of Connecticut. And all Judges of Admiralty in this State, shall be commissioned by the Governor, being first nominated and appointed by the General Assembly; and all Naval-Officers shall be nominated, appointed and commissioned by the Governor for the Time being, in such Districts and at such Ports as shall from Time to Time be ordered and directed by Act of Assembly.

*Provided nevertheless*, That said Naval-Officers, or any, or either of them, may at any Time be removed from their Offices by the General Assembly at their Will and Pleasure. And the Governor may likewise nominate, appoint and commissionate one or more *Notary Public* in this State, as the commercial Interests thereof may render it necessary or convenient.

And be it further enacted by the Authority aforesaid, That there shall be kept at each of the Ports of *New-London, New-Haven, Middletown, and Norwalk* respectively, one Naval-Officer, who shall be nominated and deputed to said Office as aforesaid; and each Officer to be appointed, before he enters upon said Business, shall become bound with sufficient Sureties in a Recognizance of one thousand Pounds to the Treasurer of this State for the faithful Discharge of the Duties of said Office; to enter and clear out Vessels and their Cargoes, and to do and act therein in such Way and Manner, and according to such Rules and Orders as to such, their respective Offices, do or shall appertain; and for the faithful and punctual payment of all such Sum or Sums of Money into the Public Treasury, that he may receive for any Duty or Imposit laid, or which shall be laid by Act of this State.

*Provided nevertheless*, That if any Naval-Officer shall fail in punctual paying up all the Duties by him collected, or shall be guilty of any Misdemeanor or Negligence in Office, upon Complaint and Proof thereof, made to his Excellency the Governor, it shall be the Duty of the Governor, (ex officio) immediately to dismiss said Officer from his Office, and to appoint another in his Room and Stead.

And be it further Enacted by the Authority aforesaid, That the Naval-Officers shall have and receive the several Fees and Allowances as set and estimated in the Table of Fees: And it shall be the Duty of said Naval-Officers respectively, to affix up in their Offices in some public Place, where it may be seen and read, a true Copy of the Table of Fees. And if any Officer aforesaid shall presume to ask, demand, or receive any more Fees for any Services by them officially done, than is by Law allowed, such Officer so transgressing, upon Complaint and Proof made thereof to his Excellency the Governor, he shall be removed from said Office, and another put in his Room and Stead.

And be it further enacted by the Authority aforesaid, That all Vessels of the Burthen of fifteen Tons and upwards, shall each take out a Register, wherein shall be described the Name of the Vessel, her Description, Tonnage, the Place where built, and the Time when, Master's Name, with the Names of the Owners, which Owners shall be Inhabitants of the United States, and no Foreigner to be directly or indirectly concerned therein: The Form of which Register shall be as follows, viz.

STATE OF CONNECTICUT.

Part of

make Oath, That the

called the

whereof is at present

All commissions, &c. in the marine department, to be signed by the governor, &c. Judge of admiralty how appointed, &c.

Proviso.

Ports named where naval offices are to be kept.

Proviso.

Table of fees to be fixed up in the office.

Vessels to take out a register.

Form.

Master, being a square sterned Vessel of the Burthen of     Tons or thereabouts, was     at present Owner thereof : and that no Foreigner directly or indirectly hath any Share, or Part or Interest therein.

## P O R T O F

The Oath aforesaid was administered at the Naval-Office for the Port of the     Day of Anno Domini, One thousand seven hundred and eighty     , and is the Year of our Independance ;

By me

The foregoing recorded in }  
The Naval-Office aforesaid. }

Vessels under  
15 tons, may  
take permit.

And every Vessel under the Dimensions aforesaid, instead of a Register, shall and may take out a Permit from the Custom-House, signed by the Naval-Officer of the Port in whose District said Vessel belongs, which shall be sufficient for the Purpose of enabling the Master or Owner thereof to clear out Coastwise.

To make true  
entry, and  
take out  
clearance,  
&c.

And all Vessels in this State shall make true Entries, and take out proper Clearances at the respective Ports of Entry, and Clearance proper for that Purpose, and observe and obey all such Customs, Rules, Laws and Regulations as have or shall be made relative thereto. And whatever Vessel shall neglect or refuse to take out and furnish themselves with the proper Papers aforesaid ; upon Seizure and Information made to the Court proper to try the same, shall be liable to Condemnation ; one Half to the Prosecutor who shall prosecute the same to effect, and the other Half to the Use of the public Treasury of this State.

Liable to  
condemna-  
tion for neg-  
lect.

An Act for incorporating a Part of the Town of *New-Haven*.

Description  
of the persons  
that are in-  
corporated.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That all Freemen of this State, Inhabitants of said *New-Haven*, dwelling and inhabiting within the following Bounds, viz. Beginning at the North-East Corner of the Long-Bridge (so called) in said *New-Haven*, and running on the North-Side of said Bridge and the Highway, to each take in said Bridge and Highway to the North-East Corner of the Neck-Bridge, then across the same on the North-Side of the same to the North-West Corner of said Bridge ; then in a direct Line Westward to the Bridge across the West-River, commonly called *Thompson's Bridge*, to the North-East Corner of said Bridge ; thence down the said West-River, on the East-Bank thereof, to the Mouth of said River ; and from thence a straight Line to the extreme Point of the Land commonly called *Five-Mile Point*, on the East-Side of *New-Haven* Harbour at High Water Mark on said Point ; thence Northward on the Shore, on the Line of High Water Mark, up to the Point, where the Waters of the Little-River and the greater Waters, being Part of the East-River, fall into each other ; thence across the Mouth of said Little-River to the East-Shore of the East-River ; then up said East-River on the Line of High Water Mark to the first mentioned Point at the North-East Corner of the Long-Bridge ; be, and the same are hereby Ordained, Confirmed, and Declared to be from Time to Time, and forever hereafter, one Body Corporate and Politic, in Fact, and in Name, by the Name of THE MAYOR, ALDERMEN, COMMON COUNCIL, AND FREEMEN OF THE CITY OF NEW-HAVEN ; and that by that Name, they, and their Successors forever, shall and may have perpetual Succession ; and shall be Persons in Law, capable of Suing and being Sued, Pleading and being Impleaded in all Suits of what Nature soever ; and also to purchase, hold, and convey any Estate, real or per-

Bounds of  
the city.

Name of the  
corporation.

Capable of  
suing, &c.

lous; and may have a common Seal, and may change and alter the same at Pleasure; and shall be Freemen of said City.

Who are freemen of the city.

*And whereas there are many Persons living within said Limits, who by Law are qualified to be Freemen of this State, that have not taken the Oath provided by Law to be taken by Freemen.*

*Be it enacted*, That all such Persons, living within said Limits, who shall, before the second Monday of February next, procure the major Part of the Select-men of the said Town of New-Haven, to certify that they are qualified to be admitted and made free of this State, and shall after procuring such Certificate, take before some Assistant of this State, or Justice of the Peace within and for the County of New-Haven, the Oaths provided by Law for Freemen, shall to all the Purposes in this Act mentioned, be considered as Freemen of this State, and Freemen of the said City of New-Haven.

Persons living within the city, procuring a certificate, &c. to be freemen of the state and city.

*And for the better Government of said City:*

*Be it further Enacted*, That there shall be a Meeting of said City holden annually in June, at such Time and Place as by the Bye-Laws of said City shall be directed, for the Purpose of chusing all the annual Officers of said City; and the annual Officers of said City chosen at such Meeting, shall continue in Office until the Expiration of the Month of June then next, unless others shall be sooner chosen and qualified in their Stead.

Annual meeting to be in June, for the purpose of chusing annual Officers. Continuance in office.

And the said City in legal Meeting assembled, shall choose a Mayor, who shall hold his Office during the Pleasure of the General Assembly; and at their annual Meeting shall choose four Aldermen, and a Common Council of not more than Twenty, and two Sheriffs out of the Freemen of said City; all which officers, and all other Officers of said City, eligible by the Freemen thereof, (the Inspectors of Produce excepted) shall be chosen by Ballot; and on each Ballot which is given in, shall be written the Name of the Person for whom the same is given; and such Ballot shall be rolled up, and in the Presence of the Mayor and Aldermen of said City, or such of them as are present at such Meeting, put, by the Person given the same, into a Box, which said City shall provide for that Purpose; which Box shall be a close Box, with a Hole of a convenient Size in the Lid thereof through which to put in the Ballot. And when the Freemen present at any City Meeting, shall have had reasonable Time to give in their Ballot, either of the Sheriffs of said City, or in the Absence of both the Sheriffs, the junior Alderman present, in the Presence of the Mayor and Aldermen, or such of them as are present at such Meeting, shall open the said Box; and the Mayor and Aldermen, or such of them as are present, shall open, sort, and count the Ballots; and the Person who shall have the Majority of the Ballots given in, shall by the Sheriffs, or in their Absence, by the junior Alderman present, be declared to be elected: And no Ballots shall be received after the Box shall have been opened.

To choose a mayor, to continue in office during, &c. To choose four aldermen, &c. Mode of chusing to be by ballot, &c.

The box by whom opened.

The mayor and aldermen, to sort and count the votes. Who to declare the choice.

And said City in legal Meeting assembled, shall have Power to levy Taxes on the Polls and Estate within the Limits of said City, for such Purposes as said City shall think proper; and to choose a Collector or Collectors, to collect such Tax; who shall, having received a Warrant for that Purpose, signed by the Mayor, or by one of the Aldermen of said City, have the same Power as Collectors of the Town Taxes by Law have; and shall be accountable to the Mayor and Aldermen of said City, in the same Manner as Collectors of Town Taxes by Law accountable to the Select-men. And in Case any Collector shall not perform the Trust committed to him, but shall fail of collecting such Rate according to the Terms of the Warrant committed to him, on Complaint thereof made by the Aldermen of said City to the Mayor thereof, he shall issue a Warrant under his Hand, directed to either of the Sheriffs of said City, to levy the Same or Rates neglected by such Collector to be collected, or paid, out of the Estate of the Collector.

The city to have power to levy taxes. To choose a collector. Warrant by whom signed. Collectors accountable and to whom.

Complaint being made, &c. mayor to issue his warrant, &c.

Power of the Sheriffs.  
Liable for neglect of duty.  
City to answer in case of inability, &c.

*And be it further enacted by the Authority aforesaid, That the Sheriffs of said City shall severally within the Limits of said City, have the same Powers and Authorities, and be liable to the same Suits or Penalties for neglect of Duty in any Case whatever, to all Intents and Purposes, as Sheriffs by Law now have and are; and the said City shall be liable to answer in case of the Inability of said Sheriffs, or either of them, for the Default of said Sheriffs, in all Cases relative to their Office.*

Sheriffs to give bond, &c.  
On failure a new one to be chosen.

And said Sheriffs shall severally give Bond with Sureties, in such Manner as by the Bye-Laws of said City shall be directed, for a faithful Discharge of the Duties of that Office, before they shall be capable of executing the same. And in case either of the Persons chosen Sheriff shall not give Bond with Sureties, according to the Bye-Laws of said City, the said City may proceed to chuse another Sheriff in his Room.

To chuse a treasurer.

And the said City in legal Meeting assembled, shall chuse a Treasurer for said City, to continue in Office during the Pleasure of said City, who shall have the same Powers within said City as Town-Treasurers now by Law have, and shall be accountable to said City.

A city court to be held monthly.  
Power to adjourn.  
Jurisdiction.

*And be it further Enacted, That there shall be holden monthly, on the second Tuesday of every Month, in said City, a City Court; which Court shall have Power to adjourn from Time to Time, and shall have cognizance of all Civil Causes where the Title of Land is not concerned, by Law cognizable by the County Courts in this State, provided the Cause of Action arise within the Limits of said City, and one or both the Parties live within said City; and the said City Court shall, as to the Causes by them Cognizable, to all Intents and Purposes,*

To have the same powers, &c. as county courts, and executions served, &c. as those from the county court.

*have the same Powers and Authorities, and proceed in the same Manner and grant Executions, as said County Courts now or hereafter by Law shall have, proceed and grant; and the Executions granted by said City Court shall be served and returned in the same Manner as the Executions granted by the said County Courts, and Appeals shall be allowed to either Party, from the Judgment or Determination of said City Court, to the next Superior Court: to be holden in the County of New-Haven, in all Causes in which an Appeal is now or hereafter by Law shall be allowed from the said County Courts; the prevailing Party however, if Plaintiff, may, such Appeal notwithstanding, take out Execution on such Judgment for the Debt or Damages and Cost recovered in such City Court, against the Defendant or Defendants, and levy the said Execution, and collect the Money thereon; provided he does previous to his taking out said Execution, become bound with two sufficient Sureties before the Mayor of said City, or one of the Judges of said City Court, in a Recognizance (which Recognizance the Mayor of said City and the Judges of said City Court, are respectively impowered to take) in double the Sum of said Judgment, that he will, within one Week after final Judgment on the Appeal, refund so much of the Judgment of the said City Court, together with the Interest thereof, as shall on such Execution be collected, and shall not be by him recovered before the Court to which the Appeal is taken, together with the Execution Fees that shall accrue, and be paid by the Defendant on said Execution, and no Appeal shall be allowed on any Suit commenced on such Recognizance.*

Appeals to be allowed.

The prevail-  
ing party if,  
&c. may take  
out execution,  
&c.

Provided  
bond be given.

No appeal to  
be allowed  
on a suit on  
such bond.

If the plain-  
tiff lives  
without the  
city, no ap-  
peal allowed  
the defendant  
within, un-  
less, &c.

*And in every Action brought before said City Court, in which the Plaintiff lives without the Limits of said City, or is a Mariner or Seaman suing for Wages due to him for Services in his Occupation, and the Defendant lives within the Limits of said City, no Appeal shall be allowed the Defendant, unless the Matter in Demand exceed the Sum of Fifty Pounds lawful Money: but if the Matter in Demand exceed said Sum, an Appeal shall be allowed the Defendant in the same Manner and under the same Regulations as Appeals are allowable in other Causes cognizable by said City Court. And no Writ of Error brought upon any Judgment of said City Court shall be a Superfedeas.*

And said City Court shall have full Power to appoint and swear a Clerk for said Court, to continue in Office during the Pleasure of said Court; which Clerk shall, as to all Matters relative to his Office as Clerk of said Court, have the same Powers and Authorities, to all Intents and Purposes, as the Clerks of the County Courts in this State by Law have; and the Oath to be taken by the said Clerk, shall be the same *mutatis mutandis*, provided by Law, to be taken by the Clerks of said County Courts of this State. His powers.

And the Mayor of said City, or in his Absence, the senior Assistant Judge of said City Court, may, at the special Instance of, and Cost of any Person moving therefor, hold a special City Court, at such Time and Place within said City, as the Mayor or Judge ordering the same shall appoint; which Court shall proceed in the same Manner, have the same Powers and Authorities, and in all Respects be under the same Regulations as the stated City Courts of said City; and all the taxable Fees of said City Court, shall be the same as the taxable Fees of the County Courts of this State. The mayor, or in his absence the senior Assistant Judge may call a special court. Fees.

And be it further enacted, That the Mayor of said City for the Time being, and the two Aldermen first chosen at the annual Meeting of said City, or at their first Meeting, shall compose the said City Court, and be the Judges thereof; and the Mayor shall be the chief Judge of said court, and the said two Aldermen shall be the Assistant Judges of said court, any two of whom, in the Absence of the other, taking to their Assistance the senior Alderman present that is not a Judge of said court, or if neither of the Aldermen that are not Judges of said court can attend, one of the Justices of the Peace within and for the county of New-Haven, resident within said city, shall have Power to hold a city court. Mayor & two Aldermen first chosen to be the judges. Who to be judges, in case of absence, &c.

And if at any city court there shall be but one Judge present, he shall take to his Assistance the other two Aldermen of said city, and in case one or both of them cannot attend, he shall take one or two of the Justices of the Peace, as the case may require, of the county of New-Haven, resident within the said city, and they three shall have the same Power to hold a city court, as the Judges of said city court have. If but one Judge present them to take, &c.

And be it further enacted, That the Mayor and Aldermen of said city, shall severally, within the Limits of said city, have cognizance of all civil causes by Law cognizable by a Justice of the Peace, provided the cause of Action arise within the Limits of said city, and one or both the Parties live within the same: And the said Mayor and Aldermen shall, as to the causes by them severally cognizable, have the same Powers and Authorities, and proceed in the same Manner as Justices of the Peace, now, or hereafter, by Law shall have and proceed. Mayor and Aldermen to have cognizance of civil causes in the city. Same power as Justices.

And an Appeal shall be allowed from the Judgment or Determination of said Mayor and Aldermen, in any cause by them cognizable severally, to the next city court to be holden within said city, in all causes in which an Appeal is now or hereafter shall be allowed from the Judgment of a Justice of the Peace; the prevailing Party however, if Plaintiff, may, such Appeal notwithstanding, take out Execution on such Judgment, provided he gives Bond before the Mayor of said city, or one of the Judges of said court, in the same Manner as is provided in cases of Appeal from said city court. Appeal allowed to the next city court.

And in every Action brought before the Mayor or either of the Aldermen of said city, in which the Plaintiff lives without the Limits of said city, or in which the Plaintiff is a Mariner or Seaman suing for Wages due to him for Services in his Occupation, and the Defendant lives within the Limits of said City, no Appeal shall be allowed the Defendant. Where the plaintiff lives without, or is a mariner, &c. no appeal.

And the taxable Fees in all causes cognizable by the Mayor, or by one of the Aldermen of said city severally, shall be the same as the taxable Fees in like Cases, before Justices of the Peace: And the Processess in all Actions brought to said City Court, shall be the same as the Processess to the County Courts in this State; and the Processess in all Actions brought before the Taxable fees, &c. Processess the same as to the county court.

By whom  
signed,  
and served.  
Bonds for  
prosecution,  
&c.

except, &c.

Jurymen how  
and when  
chosen.

Names of the  
jurors to be  
returned to,  
&c.  
Clerk to  
write the ju-  
rors names  
on, &c.

Jurors how  
drawn.

Jurors neg-  
lecting to at-  
tend.  
If not a com-  
plete pannel,  
others drawn,  
&c.  
Jurors not at-  
tending, &c.  
Jurors oath  
to be, &c.  
The name of  
each juror at-  
tending, &c.

Liable to be  
drawn again.

The city to  
choose a clerk.

The mayor,  
&c. to lay  
out highways  
&c. or alter  
those already  
laid out, &c.

Mayor or one of the Aldermen of said city, shall be the same as the Proceſſes in Actions brought before a Juſtice of the Peace, and be ſigned by the Governor, Lieutenant-Governor, or one of the Aſſiſtants of this State, or by a Juſtice of the Peace, within and for the county of New-Haven, or by the Mayor or one of the Aldermen of ſaid city, or the clerk of ſaid city court, and ſhall be ſerved by a Sheriff, Deputy-Sheriff, or conſtable to whom directed, according to the Laws of this State, and the Proviſions of this Act. And all Bonds for Proſecution taken by any of ſaid Officers hereby empowered to ſign Writs, ſhall be good and effectual in Law. And Bonds for Proſecution, ſpecial Bail, and Bonds for Appeal, ſhall be taken to the adverſe Party: Provided nevertheleſs, That no Writs, (Executions excepted) or Proceſſes, ſigned by the Mayor, or either of the Aldermen, ſhall be of any Effect without the Limits of ſaid city.

And be it further enacted by the Authority aforeſaid, That the ſaid Mayor, Aldermen and common council, ſhall on the firſt Monday of July annually, meet, and ſhall then choſe One Hundred and Forty-four Freemen of ſaid city, to ſerve as Jurors at ſaid city court, and ſhall return the Names of ſaid Jurors, under the Hand of the Mayor of ſaid city, if preſent, or in caſe of his Abſence, under the Hand of the ſenior Alderman preſent at ſuch Meeting, to the clerk of ſaid city court, who ſhall write each Juror's Name thus choſen, fairly on a ſeparate Piece of Paper, and roll up and put the ſame into a Box, which he ſhall provide and keep for that Purpoſe; and whenever either of the Sheriffs of ſaid city ſhall receive a Warrant from the clerk of the city court, to ſummon a Jury to appear before ſaid court, the Sheriff receiving ſuch Warrant, taking with him one of the Aldermen of ſaid city, ſhall repair to the ſaid clerk's Office, and there, in the Preſence of ſaid Alderman and clerk, ſhall take out of ſaid Box twelve of ſaid Papers, and the Perſons whole Names ſhall be found written therein, ſhall be ſummoned to appear before the court, to which the Warrant is returnable, to ſerve as Jurors; and in caſe of neglecting to attend, ſhall be liable to ſuch Penalties as ſhall be by the Bye-Laws of ſaid city be inflicted for ſuch Neglect; and in caſe a complete Pannel ſhall not attend, or in caſe any ſhall be challenged or excuſed, the Sheriff attending ſaid court ſhall ſupply ſuch Deficiency, by drawing in the Preſence of the court, others out of ſaid Box, and ſummoning them to attend and ſerve, until the Pannel ſhall be complete; and the Names of ſuch Jurors as do not attend, or are excuſed, ſhall be returned into the Box, and be liable to be drawn again. And the Oath to be taken by ſaid Jurors, ſhall be the ſame as is by Law provided to be taken by Jurors in civil Actions. And the Name of each Juror that attends ſay city court and ſerves, ſhall be again written on a ſeparate Piece of Paper, and ſhall be rolled up and put into another Box, which the clerk of ſaid court ſhall provide for that Purpoſe, and ſhall be liable to be drawn again, in caſe there ſhall not, by Reaſon of Death, Removal, or other cauſe, be a Sufficiency in the other Box, to complete the Pannels for that Year, in which they are choſen to ſerve.

And the ſaid city may chooſe a clerk of ſaid city, who ſhall make true and regular Entries of all the Votes and Proceedings of ſaid city, and the Records by him kept ſhall be of the ſame Validity in Point of Evidence, in any court of Law in this State, as the Records of Towns are.

And be it enacted by the Authority aforeſaid, That the ſaid Mayor, Aldermen, and common council, be, and they are hereby empowered to lay out new Highways, Streets and public Walks for the Uſe of ſaid city, or to alter thoſe already laid out in ſaid city, and to exchange Highways for Highways, or to ſell Highways for the Purpoſe of purchaſing other Highways, taking the ſame Meaſures in all Reſpects, as are directed by the Laws of this State to be taken, in caſe of Highways laid out by the Select-men for the Uſe of their Towns, and the Party aggrieved by the laying out of ſuch Streets or

Highways, may have the same Remedy by Application to the County Court, as is by Law provided in cases of Highways laid out by Select-men.

And said City shall have Power to exchange that Part of the Green in said New-Haven, lying North-westerly of the public Buildings, for other Land for Highways, or another Green, and to sell and dispose thereof for the same Purpose; and that Part of said Green lying on the South-easterly Side of said public Buildings, shall forever be and remain a common or public Walk, and never be liable to be laid out in Highways, or appropriated to any other Purpose.

Power to exchange or sell the N. W. part of the green, S. E. side to remain a public walk.

And be it enacted by the Authority aforesaid, That in case any Sheriff, Deputy-Sheriff or Constable, shall not serve a Writ directed to, and received by him, that is returnable to said City court, or shall neglect to make Return of said Writ, or shall make false or undue Return thereof, and a Suit shall for such Default, be brought against him to the said city court by the Person or his Executor or Administrator, in whose Favour said Writ issued, and the Defendant be found in Default; the said court, over and above awarding just Damages to the Plaintiff, may, on said Suit, set a suitable Fine upon the Defendant, according to the Nature of the case, and may issue Execution for such Fine; which Fine shall be to the Treasurer of said city, to and for the Use of said city.

City court may fine Sheriffs, &c.

Fines to be paid to the city treasurer.

And in all cases wherein the Defendant who is sued to the said city court, lives within the Limits of said city, the Writ shall be served upon him at least six Days before the Day of the sitting of the court to which the Writ is returnable; but if the Defendant lives without the Limits of said city, the Writ shall be served at least twelve Days before the sitting of said court; and all Writs returnable to said city court, shall be returned to the clerk of said court on the Day of the sitting of said court, and before the first opening of said court.

If the defendant lives in the city, the writ to be served 6 days before court &c. if without 12 days.

And the Writs that are returnable before the Mayor or either of the Aldermen, shall, if the Plaintiff and Defendant both live within the Limits of, or if the Plaintiff lives without and the Defendant lives within the Limits of said city, or if the Plaintiff be a Mariner or Seamen suing for Wages due to him for Services in his Occupation, and the Defendant lives within the limits of said city, be served upon the Defendant at least three Days before the sitting of the court to which it is returnable; but if the Defendant lives without the limits of said city, the Writ shall be served upon the Defendant at least six Days before the sitting of the court to which it is returnable.

Writs returnable before the mayor, &c.

And be it further enacted, That the Mayor, Aldermen, Sheriffs, common council and clerk of said city, shall be sworn to a faithful Discharge of their Duty; and the Form of the Oath to be taken by the Mayor of said city, shall be as follows, viz.

Mayor, &c. to be sworn.

YOU being elected Mayor of the City of New-Haven, do swear by the Name of the Everliving God, that you will, without any Partiality, impartially administer Justice, according to Law, without respect of Persons, take no Bribe, give no Counsel in any Matter that shall come before you, nor deny Right to any, but will and truly perform your Office of Mayor of said City, according to your best Skill.

Form of the oath.

And the Form of the Oath to be taken by the Aldermen of said city, shall be the same mutatis mutandis as is prescribed by Law to be taken by Justices of the Peace.

Aldermen to be sworn.

And the Form of the Oath to be taken by the common councilmen of said city, shall be as follows, viz.

YOU being elected a Common Council-man for the City of New-Haven, for the Year ensuing, do swear by the Name of the Everliving God, that you will faithfully and uprightly discharge the Duties of that Office, so long as you shall hold the same.

Form of an oath.

So help you GOD.

Sheriffs to  
take an oath.

And the Form of the Oath to be taken by the Sheriffs of said City, shall be the same prescribed by Law to be taken by the Sheriffs *mutatis mutandis*.

And the Form of the Oath to be taken by the Clerk of said City, shall be as follows, viz.

Clerk's oath

*I O U* being chosen Clerk of the City of New-Haven, Do swear by the Name of the everliving GOD, that you will truly and faithfully attend and execute the Place and Office of Clerk of said City, according to your best Skill, and make true Entries and Records of all the Votes and Proceedings of said City, and such other Matters as by Law, or the Bye-Laws of said City, are to be recorded in your Office; and that you will deliver true Copies of the Records in your Hands, when they shall be required of you, taking only your lawful Fees.

So help you GOD.

By whom  
administered.

Which Oaths may be administered by any Assistant of this State, or Justice of the Peace within and for the County of New-Haven, or by the Mayor, or either of the Aldermen of said City; provided the Mayor or Alderman administering such Oath hath been sworn according to this Act.

Certificate  
to be given,  
and recorded.

And the Person administering the Oath prescribed by this Act, shall have a Certificate thereof under his Hand, to the Officer to whom he administers such Oath, which Certificate shall be recorded in the Records of said City, before the Person to whom it is given shall be capable of executing the Office to which he is chosen.

Power to  
make bye-  
laws.

And be it further Enacted, That there shall be a Court of Common Council of said City, of which the Mayor, Aldermen, and Common Council of said City shall be Members, who, or the major Part of them, shall have Power to make Bye-Laws, relative to Markets and Commerce within the Limits of said City; relative to Persons summoned to serve as Jurors at said City Court, and neglecting to attend or refusing to serve; relative to the Streets and Highways of said City; relative to Nuisances in said City Limits; relative to their Wharves, anchoring and mooring of Vessels; relative to Trees planted for Shade, Ornament, Convenience, or Use, public or private, and to the Fruit of such Trees; relative to Trespasses committed in Gardens; relative to public Walks, and Buildings public or private; to the sweeping of Chimnies, and preventing said City from Fire; relative to Forms of Oath to be taken by the Treasurer of said City, and Inspectors of Produce brought to said City for Sale or Exportation; relative to the Manner of warning Meetings of said City and the Court of Common Council, and the Time when and Place where they shall be holden; relative to the Qualifications in Point of Property of the Mayor and Aldermen; relative to the Bonds to be given by the Sheriffs of said City for a faithful Discharge of their Duty; relative to the Penalties to be incurred by those, who, being chosen to any City Office, (and not being excused by the City) shall refuse to serve; relative to a City Watch; relative to the burial of the Dead; relative to the public Lights and Lamps of said City; relative to restraining Geese and Swine from going at large within the Limits of said City; and relative to the Mode of Taxation as to Taxes levied by said City; and to inflict Penalties for the Breach of such Bye-Laws: Provided however, that such Penalties shall in no Case exceed Ten Pounds lawful Money; and said Penalties shall be to such Persons as the Bye-Laws of said City shall direct, and be recoverable by the Persons to whom forfeited, by Action of Debt brought to the City Court of said City, in which Action no Appeal or Review shall be allowed: Provided however, that no Bye-Laws of said City shall be made repugnant to the Laws of this State. And the catching of Fish and Oysters within the Limits of said City, shall not be liable to be regulated, or in any way affected by the Bye-Laws of said City.

To inflict  
pecuniary  
penalties,  
not exceed-  
ing 10l.  
Penalties to  
be for, &c.  
Recovered  
by, &c.  
No appeal.  
Proviso.

Catching of  
fish, &c.

And provided also, That all the Bye-Laws made by said Court of Com-

and Council, shall be approved by said City in legal Meeting assembled, and after being so approved, shall be published at least three Weeks successively in some public News-Paper, in or near said City, before the same shall be of any Validity.

And all the Bye-Laws of said City, shall at any Time within six Months after they are made, be liable to be repealed by any Superior Court, holden in said County of New-Haven, if by such Superior Court, on a Hearing, judged to be unreasonable or unjust.

And all Grants and Leases of any real Estate belonging to said City, signed by the Mayor of said City, and sealed with the City Seal, and approved by said City in legal Meeting assembled, shall be good and effectual in Law, to convey the Estate intended to be conveyed by such Grant or Lease; provided the same is recorded in the Records of the Town where the Land leased or granted lies.

And said City shall have Power to appoint Inspectors of every kind of Produce of the United States, brought to said City for Sale or Exportation.

And the Vote or Choice of the major Part of the Freemen present at any legal Meeting of said City, shall be considered in all Cases, as the Vote or Choice of said City.

And whenever the Mayor of said City, or any other Officers of said City, eligible by the Freemen thereof shall resign, or be removed by Death, or otherwise, another Person shall be chosen in his Place by said City; and (if an annual officer) shall continue in Office till the Expiration of the Month of June next following, unless another shall be sooner chosen and sworn in his stead.

And the Mayor of said City, or in his Absence, the senior Alderman present at any Meeting of said City, or at any Court of Common Council, shall, and shall be Moderator thereof. And the Meetings of said City may, from Time to Time, by a major Vote of the Freemen present, be adjourned.

And be it further enacted by the Authority aforesaid, That the first Meeting of said City shall be holden at the State House in said New-Haven, on the tenth Day of February next, at nine of the Clock in the Forenoon, for the choice of the Mayor, Aldermen, Common Council and Sheriffs of said City, and to transact such other Business as may be necessary; which Meeting may be from Time to Time adjourned. And a Copy of this Paragraph of this Act, certified under the Hand of the Secretary of this State, and published on the Sign-Post in the Town of New-Haven, at least three Days before said tenth Day of February, shall be a legal Warning of the Freemen of said City to attend said first Meeting: And the annual Officers chosen at said Meeting, shall continue in Office until the Expiration of next June, unless others are sooner chosen and qualified in their stead.

And the said City shall, at such Meeting, first chuse a Clerk of said City, who shall be immediately sworn, and shall forthwith make a Record of his being chosen and sworn, and the Records thus made by him in such Case, shall be good and effectual; any Thing in this Act to the contrary notwithstanding. And such Record may be made by the Clerks hereafter chosen, of their being chosen and sworn, and shall be good and effectual; any Thing in this Act to the contrary notwithstanding. And said City shall thereupon proceed to chuse a Mayor, and the other Officers of said City eligible by the Freemen thereof. And the Justices of the Peace within and for the County of New-Haven, living and inhabiting within the limits of said City, and present at such first Meeting, shall have, as to the Election of the Mayor, Aldermen, Sheriffs, Common Councilmen and Clerk of said City, the same Powers, and proceed in the same Manner as the Mayor, Aldermen and Sheriffs of said City, by this Act are to have and proceed in at the future Elections of said City.

Bye-laws to be published.

Liable to be repealed, by, &c. it, &c.

Grants and leases signed by the mayor &c.

Inspectors of produce, Vote of the major part of the freemen, valid.

In case of death, &c. of any officer, &c.

Mayor, or &c. to be moderator of the city meeting, which may be adjourned.

Annual officers to continue, until &c.

First meeting to chuse a clerk.

then the mayor, &c.

Power of justices living within the limits, &c.

**First moderator.** And the senior Justice of the Peace, within and for the County of *New-Haven*, living within the Limits of said City, present at said first Meeting, shall be Moderator thereof, until there shall be a Mayor or Aldermen chosen and qualified according to this Act.

**First city court to be holden 2d tuesday of April.** And said City shall at their first Meeting appoint a Time and Place for holding the first Court of Common Council; which Court shall have Power to adjourn from Time to Time. And the first City Court of said City shall be holden on the second Tuesday of *April* next, at the State-House in said City. And the City Courts of said City may be holden in said State House from Time to Time, or in such other Place in said City as said City shall provide and judge proper.

**Mayor, &c. on the 2d Tuesday of March, to chuse 48 jurors.** And the Mayor, Aldermen, and Common Council of said City, shall on the second Tuesday of *March* next, at three of the Clock in the Afternoon, hold a Meeting at the State-House, in said *New-Haven*; and shall then and there, choose forty-eight Freemen of said City, to serve as Jurors, until after the first Monday of *July* next; and the Name of each Person thus chosen, shall be fairly written on a separate Piece of Paper, and shall be put into the Jury-Box, by this Act to be provided by the Clerk of said City Court, and shall be drawn out, in the Manner herein before provided with respect to Jurors.

**Proviso.** *Always provided*, That any Thing in this Act, notwithstanding, the Inhabitants living within the Limits of said City, shall to all Intents and Purposes, be, and remain a Part of the Town of *New-Haven*.

**Yale-College.** And that nothing herein contained, shall be construed to affect any of the corporation Rights of the Corporation of Yale-College.

**Proviso.** *Provided nevertheless*, That if any of the Provisions in this Act contained, shall be found inconvenient, or in any Respect inadequate, the same, on Representation of the City or otherwise, may be altered or revoked by the General Assembly.

**Public act.** And this Act shall, to all Intents and Purposes, be a public Act, [This Act was passed by the General Assembly, at their Sessions holden at *New-Haven*, on the eighth Day of January, One thousand seven hundred and eighty-four.]

## An Act for incorporating a Part of the Town of *New-London*.

**Description of the persons that are incorporated.** **BE** it enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That all Freemen of this State, Inhabitants of said *New-London*, dwelling and inhabiting within the following Limits, viz. Beginning at a large Rock on *Plumbe's-Hill*, so called, about four Rods West of the Road leading from *Norwich* to *New-London*, thence running South 37 Degrees West to a large Rock in Land belonging to *John Abcraft*, a little to the eastward of Cedar-swamp; from thence running South six Degrees East to the main Branch of *Alwife-brook*, or *Lester's-Gut*, so called; from thence running with said Brook or Gut, and on the West Side thereof at high-water Mark, to the Sound, to a large clump of Rocks at the western point of said Gut or Brook, called the *Great-house-rock*; and from thence across the Harbour to the South End of the Division Line betwixt the Towns of *New-London* and *Groton*; and thence northerly by said Division Line as said Line runs, until it comes to a Point due East from the Bounds first above-mentioned, and thence running due West across the River of *Thames*, to said Bound, be, and the same are hereby Ordained Constituted, and Declared to be from Time to Time, and forever hereafter, one Body Corporate and Politic, in Fact and in Name, by the Name of THE MAYOR, ALDERMEN, COMMON COUNCIL, AND FREEMEN OF THE CITY OF *NEW-LONDON*; and that by that Name,

**Bounds of the city.**

**Name of the corporation.**

they and their Successors forever, shall and may have perpetual Succession; and shall be Persons in Law, capable of Suing and being Sued, Pleading and being Impleaded in all Suits of what Nature soever; and also to purchase, hold, sue, &c. and convey any Estate, real or personal, and may have a common Seal and may change and alter the same at Pleasure; and shall be Freemen of said City. Who are freemen of the City,

And whereas there are many Persons living within said Limits, who by Law are qualified to be Freemen of this State, who have not taken the Oath provided by Law to be taken by Freemen.

Be it enacted, That all such Persons, living within said Limits, who shall, before the second Monday of *March* next, procure the major Part of the Select-men of the said Town of *New-*London**; to certify that they are qualified to be admitted and made free of this State, and shall after procuring such Certificate, take before some Assistant of this State, or Justice of Peace within and for the County of *New-*London**, the Oaths provided by Law for Freemen, shall to all the Purposes in this Act mentioned, be considered as Freemen of this State, and Freemen of the said City of *New-*London**. Persons living within the city, procuring a certificate, &c. to be freemen of the State and city.

and for the better Government of said City:

Be it further Enacted, That there shall be a Meeting of said City holden annually in *June*, at such Time and Place as by the Bye-Laws of said City shall be directed, for the Purpose of choosing all the annual Officers of said City; and the annual Officers of said City chosen at such Meeting, shall continue in Office until the Expiration of the Month of *June* then next, unless Others shall be chosen and qualified in their Stead. Annual meeting to be in *June*, for the purpose of choosing annual officers; Continuance in office

And the said City in legal Meeting assembled, shall choose a Mayor, who shall hold his Office during the Pleasure of the General Assembly: and at their annual Meeting shall chose four Aldermen, and a Common Council of not more than Twenty, and two Sheriffs out of the Freemen of said City; all which Officers, and all other Officers of said City, eligible by the Freemen thereof, shall be chosen by Ballot: and on each Ballot which is given in, shall be written the Name of the Person for whom the same is given; and such Ballot shall be rolled up, and in the Presence of the Mayor and Aldermen of said City, or such of them as are present at such Meeting, put, by the Person giving the same, into a Box, which said City shall provide for that Purpose; which Box shall be a close Box, with a Hole of a convenient Size in the Lid thereof, through which to put in the Ballot. And when the Freemen present at any City Meeting, shall have had reasonable Time to give in their Ballot, either of the Sheriffs of said City, or in the Absence of both the Sheriffs, the junior Alderman present, in the Presence of the Mayor and Aldermen, or such of them as are present at such Meeting, shall open the said Box; and the Mayor and Aldermen, or such of them as are present, shall open, sort, and count the Ballots; and the Person who shall have the Majority of the Ballots given in, shall by the Sheriffs, or in their Absence, by the junior Alderman present, be declared to be elected: And no Ballots shall be received after the Box shall have been opened. To chuse a Mayor, to continue in office during, &c. To chuse four aldermen, &c. Mode of choosing to be by ballot, &c. The box by whom opened.

And said City in legal Meeting assembled, shall have Power to levy Taxes on the Polls and Estate within the Limits of said City, for such Purposes as said City shall think proper; and to chuse a Collector or collectors, to collect such Tax; who shall, having received a Warrant for that Purpose, signed by the Mayor, or by one of the Aldermen of said City, have the same Power as collectors of Town Taxes by Law have; and shall be accountable to the Mayor and Alderman of said City, in the same Manner as collectors of Town Taxes are by Law accountable to the Select-men. And in case any collector shall not perform the Trust committed to him, but shall fail of collecting such Rate according to the Terms of the Warrant committed to him, on complaints thereof made by the Mayor or Aldermen, the City may remove him, and appoint another in his stead. The City to have power to levy taxes. To chuse a collector. Warrant by whom signed. Collectors accountable, and to whom.

Complaint being made, &c. mayor to issue his warrant, &c. Power of the Sheriffs. Liable for neglect of duty. City to answer in case of inability, &c.

Sheriffs to give bond, &c. On failure a new one to be chosen.

To chuse a treasurer.

A city court to be hold monthly. Power to adjourn. Jurisdiction. To have the same powers, &c. as county courts, and executions served, &c. as those from the county court.

Appeals to be allowed.

The prevailing party if, &c. may take out execution, &c.

Provided bond be given.

No appeal to be allowed on a suit on such bond. If the plaintiff lives without the city, no appeal allowed the defendant within, unless, &c.

the Aldermen of said City to the Mayor thereof, he shall issue a Warrant under his Hand, directed to either of the Sheriffs of said City, to distress the Sums or Rates neglected by such Collector to be collected, or paid out of the Estate of the Collector.

And be it further enacted by the Authority aforesaid, That the Sheriffs of said City shall severally within the Limits of said City, have the same Powers and Authorities, and be liable to the same Suits or Penalties for neglect of Duty in any Case whatever, to all Intents and Purposes, as Sheriffs by Law now have and are; and the said City shall be liable to answer in case of the Inability of said Sheriffs; or either of them, for the Default of said Sheriffs, in all Cases relative to their Office.

And said Sheriffs shall severally give Bond with Sureties, in such Manner as by the Bye-Laws of said City shall be directed, for a faithful Discharge of the Duties of that Office, before they shall be capable of executing the same. And in case either of the Persons chosen Sheriff shall not give Bond with Sureties, according to the Bye-Laws of said City, the said City may proceed to chuse another Sheriff in his Room.

And the said City in legal Meeting assembled, shall chuse a Treasurer for said City, to continue in Office during the Pleasure of said City, who shall have the same Powers within said City as Town-Treasurers now by Law have, and shall be accountable to said City.

And be it further enacted, That there shall be holden monthly, on the first Monday of every Month, in said City, a city court; which court shall have Power to adjourn from Time to Time, and shall have cognizance of all Civil causes where the Title of Land is not concerned, by Law cognizable by the county courts in this State, provided the cause of Action arise within the Limits of said city, and one or both the Parties live within said city; and the said city court shall, as to the causes by them cognizable, to all Intents and Purposes, have the same Powers and Authorities, and proceed in the same Manner and grant Executions, as said county courts now or hereafter by Law shall have, proceed and grant; and the Executions granted by said city court shall be served and returned in the same Manner as the Executions granted by the said county courts, and an Appeal shall be allowed to either Party, from the Judgment or Determination of said city court, to the next Superior court to be holden in the county of *New-*London**, in all causes in which an Appeal is now or hereafter by Law shall be allowed from the said county courts; the prevailing Party however, if Plaintiff, may, such Appeal notwithstanding, take out Execution on such Judgment for the Debt and Damage and costs recovered in such city courts, against the Defendant or Defendants, and levy the said Execution, and collect the Money thereon; provided he does previous to his taking out said Execution, become bound with two sufficient Sureties before the Mayor of said city, or one of the Judges of said city court, in a Recognizance (which Recognizance the Mayor of said city and the Judges of said city court are respectively empowered to take) in double the Sum of said Judgment, that he will, within one Week after final Judgment on the Appeal, refund so much of the Judgment of the said city court, together with the Interest thereof, as shall on such Execution be collected, and shall not be by him recovered before the court to which the Appeal is taken, together with the Execution Fees that shall accrue, and be paid by the Defendant on said Execution; and no Appeal shall be allowed on any Suit commenced on such Recognizance.

And in every Action brought before said city court, in which the Plaintiff lives without the Limits of said city, or is a Mariner or Seaman suing for Wages due to him for Services in his Occupation, and the Defendant lives within the Limits of said city, no Appeal shall be allowed the Defendant, unless the Matter in Demand exceed the Sum of Fifty Pounds lawful Money: but if the Matter in Demand exceed said Sum, an Appeal shall be allowed the De-

the Defendant in the same Manner and under the same Regulations as Appeals are allowable in other causes cognizable by said Court. And no Writ of Error brought upon any Judgment of said City court, or of said Mayor, or either of the said Aldermen, shall be a *Superfideas*, or have any Force to stay the levy of the Execution.

And said City court shall have full Power to appoint and swear a clerk for said court, to continue in Office during the Pleasure of said Court; which Clerk shall, as to all Matters relative to his Office as Clerk of said court, have the same Powers and Authorities, to all Intents and Purposes, as the Clerks of the county courts in this State by Law have; and the Oath to be taken by the said clerk, shall be the same, *vu. attis mutandis*, provided by Law, to be taken by the clerks of the county courts of this State.

And the Mayor of said city, or in his Absence, the senior assistant Judge of said city court, may, at the special Instance and cost of any Person moving therefor, hold a special city court, at such Time and Place within said city, as the Mayor or Judge ordering the same shall appoint; which Court shall proceed in the same manner, have the same Powers and Authorities, and in all Respects be under the same Regulations as the stated city courts of said city; and all the taxable Fees of said city court, shall be the same as the taxable Fees of the county courts of this State.

And be it further enacted, That the Mayor of said city for the Time being, and the two Aldermen first chosen at the annual Meeting of said city, or at their first Meeting, shall compose the said city court, and be the Judges thereof; and the Mayor shall be the chief Judge of said court, and the said two Aldermen shall be the Assistant Judges of said court, any two of whom, in the Absence of the other taking to their Assistance the senior Alderman present that is not a Judge of said court, or if neither of the Aldermen that are not Judges of said Court can attend, one of the Justices of the Peace within and for the county of *New-London*, resident within said city, shall have Power to hold a city court.

And if at any city court there shall be but one Judge present, he shall take to his Assistance the other two Aldermen of said city, and in case one or both of them cannot attend, he shall take one or two of the Justices of the Peace, as the case may require, of the county of *New-London*, resident within said city, and they three shall have the same Power to hold a city court, as the Judges of said city court have.

And be it further enacted, That the Mayor and Aldermen of said city shall severally, within the Limits of said city, have cognizance of all civil causes by Law cognizable by a Justice of the Peace, provided the cause of Action arises within the Limits of said city, and both the Parties live within the same: And the said Mayor and Aldermen shall, as to the causes by them severally cognizable, have the same Powers and Authorities, and proceed in the same Manner as Justices of the Peace, now, or hereafter, by Law shall have and proceed.

And an Appeal shall be allowed from the Judgment or Determination of said Mayor and Aldermen, in any cause by them cognizable severally, to the next city court to be holden within said city, in all causes in which an Appeal is now or hereafter shall be allowed from the Judgment of a Justice of the Peace; the prevailing Party however if Plaintiff, may, such Appeal notwithstanding, take out Execution on such Judgment, provided he gives Bond before the Mayor of said city, or one of the Judges of said court, in the same Manner as is provided in case of Appeal from said city court.

And in every Action brought before the Mayor or either of the Aldermen of said city, in which the Plaintiff lives without the Limits of said city, or in which the Plaintiff is a Mariner or Seamen suing for Wages due to him for Services in his Occupation, and the Defendant lives within the Limits of said city, no Appeal shall be allowed the Defendant.

concept, &c.

And the taxable Fees in all Causes cognizable by the Mayor, or one of the Aldermen of said city severally, shall be the same as the taxable Fees in like cases, before Justices of the Peace: And the Processes in all Actions brought in said city court, shall be the same as the Processes to the county courts in this State; and the Processes in all Actions brought before the Mayor or one of the Aldermen of said city, shall be the same as the Processes in Actions brought before a Justice of the Peace, and be signed by the Governor, Lieutenant-Governor, or one of the Assistants of this State, or by a Justice of the Peace, within and for the county of *New-London*, or by the Mayor or one of the Aldermen of said City, or the clerk of said city court, and shall be served by a Sheriff, Deputy-Sheriff, or constable, to whom directed, according to the Laws of this State, and the Provisions of this Act. And all Bonds for Prosecution taken by any of said Officers hereby empowered to sign Writs, shall be good and effectual in Law. And Bonds for Prosecution, special Bail, and Bonds for Appeal, shall be taken to the adverse Party: Provided nevertheless, That no Writs, (Executions excepted) or Process, signed by the Mayor, or either of the Aldermen, shall be of any Effect without the Limits of said city.

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And be it further enacted by the Authority aforesaid, That the said Mayor, Aldermen and common council, shall on the first Monday of July annually, meet, and shall then chuse Forty or more Freemen of said city, to serve as Jurors at said city court, and shall return the Names of said Jurors, under the Hand of the Mayor of said city, if present, or in case of his Absence, under the Hand of the senior Alderman present at such Meeting, to the clerk of said city court, who shall write each Juror's Name thus chosen, fairly on a separate Piece of Paper, and roll up and put the same into a Box, which he shall provide and keep for that Purpose; and whenever either of the Sheriffs of said city shall receive a Warrant from the clerk of the city court, to summon a Jury to appear before said court, the Sheriff receiving such Warrant, taking with him one of Aldermen of said city, shall repair to the said clerk's Office, and there, in the Presence of said Alderman and clerk, shall take out of said Box so many of said Papers as his Warrant shall direct, and the Persons whose Names shall be found written therein, shall be summoned to appear before the court, to which the Warrant is returnable, to serve as Jurors; and in case of neglecting to attend, shall be liable to such Penalties as shall by the Bye-Laws of said city be inflicted for such Neglect; and in case a compleat Pannel shall not attend, or in case any shall be challenged or excused, the Sheriff attending said court shall supply such Deficiency, by drawing in the Presence of the court, others out of said Box, and summoning them to attend and serve, until the Pannel shall be complete; and the Names of such Jurors as do not attend, or are excused, shall be returned into the Box, and be liable to be drawn again. And the Oath to be taken by said Jurors, shall be the same as is by Law provided to be taken by Jurors in civil Actions. And the Name of each Juror that attends any city court and serves, shall be again written on a separate Piece of Paper, and shall be rolled up and put into another Box, which the clerk of said court shall provide for that Purpose, and shall be liable to be drawn again, in case there shall not, by Reason of Death, Removal, or other cause, be a Sufficiency in the other Box, to complete the Pannel for that Year, in which they are chosen to serve.

And the said city may choose a clerk of said city, who shall make true and regular Entries of all the Votes and Proceedings of said city, and the Records by him kept shall be of the same Validity in Point of Evidence, in any court of Law in this State, as the Records of Towns are.

And be it enacted by the Authority aforesaid, That the said Mayor, Aldermen, and common council be, and they are hereby empowered to lay out new Highways, Streets and public Walks, for the Use of said city, or to alter

those already laid out in said City, and to exchange Highways for Highways, The mayor, &c. to lay out highways &c. or alter those already laid out, &c. or to sell Highways for the Purpose of purchasing other Highways, taking the same Measures in all Respects, as are directed by the Laws of this State to be taken, in case of Highways laid out by the Selectmen for the Use of their Towns, and the Party aggrieved by the laying out of such Streets or Highways, may have the same Remedy by Application to the County Court, as is by Law provided in cases of Highways laid out by Selectmen.

And be it enacted by the Authority aforesaid, That in case any Sheriff, Deputy-Sheriff or Constable, shall not serve a Writ directed to, and received by him, that is returnable to said City court, or shall neglect to make Return of said Writ, or shall make false or undue Return thereof, and a Suit shall for such Default, be brought against him to the said city court by the Person or his Executor or Administrator, in whose Favour said Writ issued, and the Defendant be found in Default; the said court, over and above awarding just Damages to the Plaintiff, may, on said Suit, set a suitable Fine upon the Defendant, according to the Nature of the case, and may issue Execution for such Fine; which Fine shall be to the Treasurer of said city, to and for the Use of said city.

City court may fine Sheriff, &c.

Fines to be paid to the city treasurer.

And in all cases wherein the Defendant who is sued to the said city court, lives within the Limits of said city, the Writ shall be served upon him at least six Days before the Day of the sitting of the court to which the Writ is returnable; but if the Defendant lives without the Limits of said city, the Writ shall be served at least twelve Days before the sitting of said court; and all Writs returnable to said city court, shall be returned to the clerk of said court on the Day of the sitting of said court, and before the first opening of said court.

If the defendant lives in the city, the writ to be served 6 days before court &c. if without 12 days.

And the Writs that are returnable before the Mayor or either of the Aldermen, shall, if the Plaintiff and Defendant both live within the Limits of, or, if the Plaintiff lives without and the Defendant lives within the Limits of said city, or if the Plaintiff be a Mariner or Seamen suing for Wages due to him for Services in his Occupation, and the Defendant lives within the limits of said city, be served upon the Defendant at least three Days before the sitting of the court to which it is returnable; but if the Defendant lives without the Limits of said city, the Writ shall be served upon the Defendant at least six Days before the sitting of the court to which it is returnable.

Writs returnable before the mayor, &c.

And be it further enacted, That the Mayor, Aldermen, Sheriffs, common council and clerk of said city, shall be sworn to a faithful Discharge of their Duty; and the Form of the Oath to be taken by the Mayor of said city, shall be as follows, viz.

Mayor, &c. to be sworn.

**YOU** being elected Mayor of the City of New-London, do swear by the Name of the Everliving God, that you will, without any Partiality, indifferently administer Justice, according to Law, without respect of Persons, take no Bribe, give no Counsel in any Matter that shall come before you, nor deny Right to any, but well and truly perform your Office of Mayor of said City, according to your best Skill.

Form of the oath.

So help you GOD.

And the Form of the Oath to be taken by the Aldermen of said city, shall be the same *mutatis mutandis* as is prescribed by Law to be taken by Justices of the Peace.

Aldermen to be sworn.

And the Form of the Oath to be taken by the common council-men of said city, shall be as follows, viz.

**YOU** being elected a Common Council-man for the City of New-London, for the Year ensuing, Do swear by the Name of the Everliving God, that you will faithfully and uprightly discharge the Duties of that Office, so long as you shall hold the same.

Form of an oath.

So help you GOD.

And the Form of the Oath to be taken by the Sheriffs of said city, shall be the same prescribed by Law to be taken by the Sheriffs *mutatis mutandis*.

Sheriffs to take an oath.

And the Form of the Oath to be taken by the Clerk of said city, shall be as follows, viz.

*I O U* being chosen Clerk of the City of New-*London*, Do swear by the Name of the everliving GOD, that you will truly and faithfully attend and execute the Place and Office of Clerk of said City, according to your best Skill, and make true Entries and Records of all the Votes and Proceedings of said City, and such other Matters as by Law, or the Bye-Laws of said City, are to be recorded in your Office; and that you will deliver true Copies of the Records in your Hands, when they shall be required of you, taking only your lawful Fees.

So help you GOD.

By whom administered.

Which Oaths may be administered by any Assistant of this State, or Justice of the Peace within and for the County of *New-*London**, or by the Mayor, or either of the Aldermen of said City; provided the Mayor, or Alderman administering such Oath hath been sworn according to this Act.

Certificate to be given, and recorded.

And the Person administering the Oath prescribed by this Act, shall give a Certificate thereof under his Hand, to the Officer to whom he administers such Oath, which Certificate shall be recorded in the Records of said City, before the Person to whom it is given shall be capable of executing the Office to which he is chosen.

Power to make bye-laws.

*And be it further Enacted*, That there shall be a Court of Common Council of said City, of which the Mayor, Aldermen, and Common Council of said City shall be Members, who, or the major Part of them, shall have Power to make Bye-Laws, relative to Markets and Commerce within the limits of said City; relative to Persons summoned to serve as Jurors at said City Court, and neglecting to attend or refusing to serve; relative to the Streets and Highways of said City; relative to Nuisances in said City Limits; relative to their Wharves, anchoring and mooring of Vessels; relative to Trees planted for Shade, Ornament, Convenience, or Use, public or private, and to the Fruit of such Trees; relative to Trespasses committed in Gardens; relative to Walks and Buildings public or private; to the sweeping of Chimneys, and preserving said City from Fire; relative to Forms of Oath to be taken by the Treasurer of said City, and Inspectors of Produce brought to said City for Sale or Exportation; relative to the Manner of warning Meetings of said City and the Court of Common Council, and the Time when and Place where they shall be holden; relative to the Qualifications in Point of Property of the Mayor and Aldermen; relative to the Bonds to be given by the Sheriffs of said City for a faithful Discharge of their Duty; relative to the Penalties to be incurred by those, who, being chosen to any City Office, (and not being excused by the City) shall refuse to serve; relative to a City Watch; relative to the burial of the Dead; relative to the public Lights and Lamps of said City; relative to restraining Geese and Swine from going at large within the Limits of said City; and relative to the Mode of Taxation as to Taxes levied by said City; and to inflict Penalties for the Breach of such Bye-Laws: Provided however, that such Penalties shall in no Case exceed the sum of Ten Pounds lawful Money; and said Penalties shall be to such Persons as the Bye-Laws of said City shall direct, and be recoverable by the Persons to whom forfeited, by Action of Debt brought to the City Court of said City, in which Action no Appeal or Review shall be allowed: Provided however, that no Bye-Laws of said City shall be made repugnant to the Laws of this State.

To inflict pecuniary penalties, not exceeding 10*l*. Penalties to be so, &c. Recovered by, &c. No appeal. Proviso.

Bye-Laws to be published

And provided also, That all the Bye-Laws made by said Court of Common Council, shall be approved of by said City in legal Meeting assembled, and after being so approved, shall be published at least three Weeks successively in some public News-Paper, in or near said City, before the same shall be of any Validity.

And all the Bye Laws of said City, shall at any Time within six Months after they are made, be liable to be repealed by any Superior Court, holden in said County of *New-London*, if by such Superior Court, on a Hearing, adjudged to be unreasonable or unjust.

Liabie to be repealed, by, &c. if, &c.

And all Grants and Leafes of any real Estate belonging to said City, signed by the Mayor of said City, and sealed with the City Seal, and approved by said City in legal Meeting assembled, shall be good and effectual in Law, to convey the Estate intended to be conveyed by such Grant or Lease; provided the same is recorded in the Records of the Town where the Land leased or granted lies.

Grants and leafes signed by the mayor &c.

And said City shall have Power to appoint Inspectors of every Kind of Produce of the United States, brought to said City for Sale or Exportation.

Inspectors of produce. Vote of the majorpart of the freemen, valid.

And the Vote or Choice of the major Part of the Freemen present at any legal Meeting of said City, shall be considered in all Cases, as the Vote or Choice of said City.

In case of death, &c. of any officer, &c.

And whenever the Mayor of said City, or any other Officers of said City, eligible by the Freemen thereof shall resign, or be removed by Death, or otherwise, another Person shall be chosen in his Place by said City; and (if an annual officer) shall continue in Office till the Expiration of the Month of *June* next following, unless another shall be sooner chosen and sworn in his Stead.

Mayor, or &c. to be moderator of the city meeting, which may be adjourned.

And the Mayor of said City, or in his Absence, the senior Alderman present at any Meeting of said City, or at any Court of Common Council, shall, *ex Officio*, be Moderator thereof. And the Meetings of said City may, from Time to Time, by a major Vote of the Freemen present, be adjourned.

First meeting

And be it further enacted by the Authority aforesaid, That the first Meeting of said City shall be holden at the Town School-House in said *New-London*, the second Monday of *March* next, at nine of the Clock in the Forenoon, for the choice of the Mayor, Aldermen, Common Council and Sheriffs of said City, and to transact such other Business as may be necessary; which Meeting may be from Time to Time adjourned. And a Copy of this Paragraph of this Act, certified under the Hand of the Secretary of this State, and published on the Sign-Post in the Town of *New-London*, at least three Days before said second Monday of *March* next, shall be a legal Warning of the Freemen of said City to attend said first Meeting: And the annual Officers chosen at said Meeting, shall continue in Office until the Expiration of next *June*, unless others are sooner chosen and qualified in their Stead.

Annual officers to continue, &c. until &c.

And the said City shall, at such Meeting, first chuse a Clerk of said City, who shall be immediately sworn, and shall forthwith make a Record of his being chosen and sworn, and the Records thus made by him in such Case, shall be good and effectual; any Thing in this Act to the contrary notwithstanding. And such Record may be made by the Clerks hereafter chosen, of their being chosen and sworn, and shall be good and effectual; any Thing in this Act to the contrary notwithstanding. And said City shall thereupon proceed to chuse a Mayor, and the other Officers of said City eligible by the Freemen thereof. And the Justices of the Peace within and for the County of *New-London*, living and inhabiting within the limits of said City, and present at such first Meeting, shall have, as to the Election of the Mayor, Aldermen, Sheriffs, Common Councilmen and Clerk of said City, the same Powers, and proceed in the same Manner as the Mayor, Aldermen and Sheriffs of said City, by this Act are to have and proceed in at the future Elections of said City.

First meeting: to chuse a clerk.

then the mayor, &c.

Power of justices living within the limits, &c.

And the senior Justice of the Peace, within and for the County of *New-London*, living within the Limits of said City, present at said first Meeting, shall be Moderator thereof, until there shall be a Mayor or Alderman chosen and qualified according to this Act.

First moderator.

And said City shall at their first Meeting appoint a Time and Place for

First city court to be holden 1st monday of April.

holding the first Court of Common Council ; which Court shall have Power to adjourn from Time to Time. And the first City Court of said City shall be holden on the first Monday of *April* next, at the Town School-House in said City. And the said City Courts of said City may be holden in said School-House from Time to Time, or in such other Place in said City as said City shall provide and judge proper.

Mayor, &c. on the 2d monday of March, to chuse 36 jurors.

And the Mayor, Aldermen, and Common Council of said City, shall on the second Monday of *March* next, at three of the Clock in the Afternoon, hold a Meeting at the Town School-House, in said *New-London* ; and shall then and there, choose Thirty six Freemen of said City, to serve as Jurors, until after the first Monday of *July* next ; and the Name of each Person thus chosen, shall be fairly written on a separate Piece of Paper, and shall be put into the Jury-Box, by this Act to be provided by the Clerk of said City Court, and shall be drawn out, in the Manner herein before provided with respect to Jurors.

Provide.

*Always provided*, That any Thing in this Act notwithstanding, the Inhabitants living within the Limits of said City, shall to all Intents and Purposes, be, and remain a Part of the Town of *New-London*.

Provide.

*Provided nevertheless*, That if this Act, or any of the Provisions therein contained, shall be found inconvenient, or in any Respect inadequate, the same, on Representation of the City or otherwise, may be altered or revoked by the General Assembly.

Provide.

*Provided nevertheless*, That the Judges of said City Court may, and they are hereby authorized to hear, try, and finally determine all Causes brought before the City Court, by a Jury of six Freemen, or without a Jury, where neither of the Parties desire to have the cause decided by a Jury or by more than six Jurors.

Public act.

And this Act shall, to all Intents and Purposes, be a public Act.  
[*This Act was passed by the General Assembly, at their Sessions holden at New-Haven, on the eighth Day of January, One thousand seven hundred and eighty-four.*]

### An Act to prevent unreasonable Night-walking ; and for punishing Disorders committed in the Night-season.

Penalty of 6s. of night-walkers.

**B**E it enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That if any Persons that are under the Government of Parents, Guardians or Masters ; or any Boarders or Sojourners shall convene or meet together, or be entertained in any House, without the consent or approbation of their Parents, Guardians, Masters or Governors, after nine of the Clock at Night, any longer than to discharge the Business they are sent about ; or shall meet together and associate themselves in Company or Companies in Streets or elsewhere, after the Time aforesaid ; or shall make any Roast, or commit any Disorder at any Time in the Night-season, each Person so Offending shall forfeit *Six Shillings* for such Offence.

Heads of families liable to the same penalties for entertaining, &c.

And the Head of the Family that entertains or tolerates such disorderly Meeting in his or her House, shall forfeit the like Sum ; one Half of which Forfeitures shall be to the Complainer, the other Half to the Treasury of the Town where the Offence is committed.

*And whereas great Disorders and Insolences are often committed in the Night, by disorderly Persons, to the disquiet and hurt of the good People of this State :*

For the preventing and punishing whereof ;

Disorders committed in the night-season.

*Be it further enacted by the Authority aforesaid*, That when and so often as any Disorders and Damages are done in the Night-season, that upon Complaint speedily made thereof to any Court, Assistant, or Justice of the Peace,

they are hereby impowered to iſſue forth a Writ or Writs for the bringing before him or them any ſuſpected Perſon or Perſons, and examine him or them concerning ſuch Diſorders and Damages.

And if ſuch ſuſpected Perſon or Perſons, upon ſuch Examination, cannot give a ſatisfactory Account to the Authority before whom ſuch Examination is had, where he or they were when ſuch Diſorders and Damages complained of were committed or done, and that he or they had no Hand in doing the ſame, he or they ſhall be liable to pay and answer all ſuch Damages as the Perſon or Perſons complaining ſhall have ſuſtained or ſuffered as aforeſaid, and alſo ſuch Fine or Punishment as the Court, Juſtice, or Juſtices, before whom the Trial is had ſhall ſee Caſe to order; not exceeding the Sum of Five Pounds.

Suſpected perſons liable unteſs, &c

### An Act for preventing, puniſhing and removing Nuſances in High-ways, Rivers and Water-courſes.

**B**E it enacted by the Governor, Council, and Representatives, in General Court aſſembled, and by the Authority of the ſame, That if any Perſon or Perſons whatſoever, ſhall block up or lay, or cauſe to be laid in any High-way, any Stones, Tree or Trees, or Timber, or ſhall by Digging or any Means obſtruct, hinder or endanger the Paſſage of Travellers in ſuch Ways; being thereof duly convicted, ſhall pay the Charge of repairing, clearing or filling up the ſame, and alſo incur the Penalty of Twenty Shillings; one Half to the Treafury of that Town, and the other Half to the Informer who ſhall proſecute the ſame to Effect, together with the Charges of Proſecution.

Perſons guilty of a nuſance to pay &c. And alſo ſubject to a ſeizure, to be recovered, &c.

And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall erect or ſet up any Gates, Bars, Rails or Fence upon, or acroſs any High-way, Country Road, or Street, or continue any ſuch, to the Annoyance and Incumbrance of the ſame, it ſhall be deemed a Common-Nuſance; and it ſhall and may be lawful for any Perſon or Perſons to pull down and remove the ſame as ſuch.

Nuſances in highways may be removed, &c.

Provided, This Act ſhall not be conſtrued to the Prejudice of ſuch as have obtained Liberty or ſhall obtain Liberty from the County Court to ſet up Gates or Bars in High-ways.

And whereas the damming of Rivers and Brooks, and turning of Water-Courſes out of their natural and original Courſes, is often prejudicial to many Towns, Proprietors and particular Perſons:

For preventing of which;

Be it further enacted by the Authority aforeſaid, That no Perſon within this State, ſhall ſtop, dam or obſtruct any River, Brook, Stream or Run of Water, out of its natural Courſe, without Liberty of the Townſhip whoſe Bounds the ſaid Streams or any of them are. And if any Perſon or Perſons ſhall dam, ſtop or obſtruct any River, Brook, Stream or Run of Water, or ſhall by damming, digging or the like, turn them out of their natural Courſe, to the Prejudice of any Town, Proprietors or any particular Perſon or Perſons, the ſame ſhall be deemed a common Nuſance, and may be removed as ſuch: And the Perſon or Perſons doing or procuring ſuch Nuſance to be done, ſhall remove the ſame, upon Penalty of forfeiting the Sum of Five Shillings per Week for every Week ſuch Nuſance ſhall remain after due Warning given to ſuch Perſon to remove the ſame; one Half whereof ſhall be to the Complainer and Proſecutor, and the other Half to the Treafurer of the Town where the Offence ſhall be committed.

Nuſances in rivers, &c.

Provided nevertheless, That this Act, nor any Thing herein contained, ſhall be underſtood or intended to hinder any Dam for any Mill, or for other Uſe, Provided in caſe no ſpecial Damage accrues thereby to any Perſon.

Proviso.

*Provided also,* That if any Person or Persons shall remove, or break, or injure any Mill-Dam, as a public Nuisance, and it should ultimately upon Trial at Law turn out not to be such, the Person or Persons so offending shall, upon Conviction, pay to the Party aggrieved, double Damages and double Costs.

Plead the general issue, &c.

*And it is further Enacted,* That if any Person or Persons who shall pull down, remove or demolish any of the Nuisances aforesaid, shall be sued therefor, he or they may plead the general Issue, and give this Act in Evidence.

## An Act for prescribing and establishing Forms of Oaths in this State.

Forms of oaths.

**B**E it *Enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same,* That the several Forms of Oaths here following, be, and they are hereby established, to be taken by, and administered unto the several and respective Officers and Persons for whom they are appointed, as followeth.

Oath of fidelity.

**Y**OU *A. B.* do swear by the Name of the Everliving GOD, that you will be true and faithful to the State of Connecticut, as a free and independent State, and in all Things do your Duty as a good and faithful Subject of the said State, in supporting the Rights, Liberties and Privileges of the same. *So help you GOD.*

*For the Freeman, viz.*

Freemen.

**Y**OU *A. B.* being by the Providence of God, an Inhabitant of this State of Connecticut, and now to be made Free of the same, do swear by the Name of the Everliving GOD, that you will be true and faithful to said State, and the Constitution and Government thereof, as a free and independent State, and whensoever you shall be called to give your Vote or Suffrage touching any Matter which concerns this State, you shall give it as in your Conscience you shall judge will conduce to the best Good of the same, without respect of Persons or favour of any Man. *So help you GOD.*

*For the Governor, viz.*

Governor.

**Y**OU *J. T.* now chosen to be Governor over this State of Connecticut, for this Year ensuing, and until a new be chosen and sworn, Do swear by the Everliving God, to promote the public Good and Peace of the same, according to the best of your Skill; and that you will maintain the lawful Rights and Privileges thereof as a sovereign, free, and independent State; as also, that all wholesome Laws and Orders that are or shall be made by lawful Authority here established, be duly executed; and will further the Execution of Justice, for the Time aforesaid, according to the Rules of God's Word, and the Laws of this State. *So help you GOD.*

*For the Lieutenant Governor, viz.*

Lt. Governor

**Y**OU *M. G.* now chosen to be Lieutenant-Governor over this State of Connecticut, for this Year ensuing, and until a new be chosen and sworn, Do swear, &c. as in the Oath for the Governor, *mutatis mutandis.*

*For the Assistants, viz.*

Assistants.

**Y**OU *J. H.* being chosen an Assistant over this State for the Year ensuing, Do swear by the Everliving God, to promote the public Good and Peace of the same, according to the best of your Skill; and that you will maintain the lawful Privileges thereof, according to your Understanding; and also assist in the Execution of all such wholesome Laws and Orders as are or shall be made by lawful Authority here established; and will further the Execution of Justice for the Time aforesaid, according to the righteous Rules of God's Word and the Laws of this State. *So help you GOD.*

*For the Judges of the Superior, and County Courts, mutatis mutandis, viz.*  
**Y**OU being appointed Judges of the Superior Court over this State, for the Year ensuing, Do swear by the Name of the Everliving GOD, that as Judges of the said Court, you will faithfully and impartially administer Justice according to Law, take no Bribe, give no Council in any Matter that shall come before you, nor deny Right to any; but well and truly perform your Office of Judges, as aforesaid, according to your best Skill and Judgment. *So help you GOD.*

Judges of Superior and County Courts.

*For Justices of the Peace, viz.*  
**Y**OU swear by the Name of the Everliving GOD, that as Justice of the Peace in the County of H. according to the Commission given you, you will administer Justice equally and impartially in all Cases, and do equal Right to the Poor and to the Rich, after your best Skill and Power and according to Law: And you shall not be of Council in any Quarrel that shall come before you, nor let for Gift or other Cause; but well and truly do your Office of Justice of the Peace, taking only your lawful Fees. And you shall not direct or cause to be directed, any Warrant by you made, to the Parties, but you shall direct your Warrant to the Sheriff, his Deputy or Constable, or other Officer proper for the Execution of the same, in the County, or to some indifferent Person; and this you shall do without favour or respect of Persons. *So help you GOD.*

Justices.

*For the State Treasurer, viz.*  
**Y**OU J. L. being chosen Treasurer for this State of Connecticut, for the Year ensuing and until a new be chosen, Do swear, that you will, according to the best of your Skill, attend the Place and Office of a Treasurer for this State, in sending out your Warrants for collecting all such Sums of Money as are due to this State, by Fines, Rates or otherwise; and that you will pay out of the same in such Sums and in such Manner as you shall be appointed to by the Court, as you shall have it in the common Treasury: And that you will, according to Law, see the Constables make up their Accompts with you, or fine them according to Law for their Neglect: And that you will render a true Account of all Things concerning your Office when you are called thereunto by the General Court. *So help you GOD.*

Treasurer of the State.

*For the Secretary, viz.*  
**Y**OU G. W. being chosen Secretary of this State of Connecticut, for the Year ensuing, and until a new be chosen, do swear, that you will keep the Secrets of the Court, and carefully execute the Place and Office of a Secretary according to the best of your Skill; and truly and faithfully record all Acts and Orders of the Court, and deliver true Copies and Certificates when they shall be necessarily required of you. *So help you GOD.*

Secretary.

*For the Sheriff, viz.*  
**Y**OU E. W. being appointed Sheriff for the County of H. do swear that you will with all Faithfulness and Diligence serve all such Writs and Attachments as shall be directed to you, (and come to your Hand) by lawful Authority, and return them to the Court where they are returnable; and also that you will serve all such Executions, granted by the Secretary, Treasurer, or other Clerk authorized thereunto, delivered into your Hands, and collect or levy the Goods you are directed to, according to the said Executions, whether it be for the public Treasury or particular Persons; and that you will with convenient Speed, deliver such Goods as you shall levy as aforesaid, into the Hands of the Treasurer or other particular Person or Persons to whom they do belong; and that you will do and execute all such lawful Commands, Directions, and Warrants as you shall receive from the Governor, or any Magistrate, Magistrates, or Justice of the Peace, Court or Courts, according to your Office; and

Sheriff.

thus during the whole Time you shall continue in your Office, you will demean yourself without Respect of Persons, or Favor of any Man; But in Case you meet with any Difficulty, which you cannot resolve, you may suspend until you can have Advice therein from Authority.

*So help you GOD.*

*For the Deputies or Representatives, viz.*

Representatives.

**Y**OU do swear by the Everliving God, that in all Cases wherein you are to deliver your Vote or Sentence against any Criminal Offence, or between Parties in any Civil Case, you will deal uprightly and justly, according to your best Judgment without respect of Persons; and that you will according to your Skill and Ability assist in all other public Affairs of this Court faithfully and truly, according to the Duty of your Place, when you shall be present to attend the same.

*So help you GOD.*

*For the Grand-Jurors, viz.*

Grand-Jurors.

**Y**OU do swear by the Name of the Everliving God, that you will diligently enquire after, and true Presentment make of all Breaches of Law that shall come to your Knowledge, according to your Charge. (unless some religious Tye of Conscience surely bottomed upon the Word of God, bind you to secrecy) the secrets of the Cause, your own and your Fellows you will duly observe and keep: You will present no Man for Envy, Hatred or Malice, neither will you leave any Man unpresented for Love, Fear, or Affection, or in hope of Reward; but you will present Things truly as they come to your Knowledge, according to the best of your Understanding, and according to the Laws of this State.

*So help you GOD.*

*For the Petit-Jurors, viz.*

Petit-Jurors.

**Y**OU swear by the Everliving God, that without respect of Persons, or favour of any Man, you will well and truly try, and true Deliverance make, between the State of *Connecicut*, and the Prisoner at the Bar, whom you shall have in Charge, according to your Evidence, and the Laws of this State.

*For the Jurors in Civil Cases, viz.*

*So help you GOD.*

Jurors in civil cases.

**Y**OU swear that you will duly try the Issue or Issues now to be given you in Charge, between the Plaintiff and Defendant, or Plaintiffs or Defendants, according to the Evidence given you in Court, and the Laws of this State; and accordingly a true Verdict give: Your own Counsel and your Fellows you shall duly observe and keep: You shall speak nothing to any One of the Business and Matters you have in Hand, but among yourselves, nor shall you suffer any to speak unto you about the same, but in Court: And when you are agreed of any Verdict, you shall keep it secret till you deliver it up in Court.

*So help you GOD.*

*For the Jury of Inquest, viz.*

Jury of inquest.

**Y**OU swear that you will diligently enquire, and true Presentment make, how and in what Manner *A. B.* (here lying dead) came to his Death; and you shall deliver up to the next Assisant or Justice of the Peace a true Verdict thereof, according to such Evidence as shall be given you, and according to your Knowledge.

*So help you God.*

*For Witnesses, viz.*

Witnesses.

**Y**OU swear that the Evidence you shall give to this Court concerning the Case now in Question, shall be the Truth, the whole Truth, and nothing but the Truth.

*So help you GOD.*

*For Constables, viz.*

Constables.

**Y**OU *A. B.* swear by the Everliving God, that for the Year ensuing, and until new be chosen and worn, you will faithfully execute the Place and Office of Constable, for and within the Town of *H.* and the Limits thereof; and that you will endeavour to preserve the public Peace of the said Place and this State; and will do your best Endeavours to see all Watches and Wards executed and duly attended; and obey and execute all lawful Commands and

Warrants that come from any Magistrate or Magistrates, Justice of the Peace, or Court; and execute all such Orders of Court as shall be committed to your Care according to your best Skill.

*So help you GOD.*

*For Deputy-Sheriffs, viz.*

**YOU A. B.** being appointed a Deputy-Sheriff within the County of *H.* do swear, that you will truly and faithfully discharge the Duties of said Office, during the Time you shall continue therein; and that you will not write or fill up any Writ or Writs against any Person or Persons whatsoever, riffs: except you are a Party in the Action, nor cause the same to be wrote or filled up, or direct any Person therein.

*So help you GOD.*

*For the Clerks of the Superior and County Courts, mutatis, mutandis, viz.*

**YOU A. B.** being appointed to be Clerk of the Superior Court, do swear, that you will carefully, faithfully, and diligently attend and execute the Place and Office of such a Clerk: That you will truly enter and record all Acc-  
tions, Verdicts, Sentences, Orders and Determinations of the said Court, and deliver true Copies when they shall be required of you, taking no more than your lawful Fees therefor: And that you will perform and execute your Office, and Duty therein according to the best of your Skill, and the Laws of this State.

Clerks supe-  
rior & coun-  
ty courts.

*So help you God.*

*For the Clerks of the Courts of Probate, viz.*

**YOU A. B.** being appointed to be Clerk of the Court of Probates in the District of *H.* do swear that you will carefully, faithfully, and diligently attend and execute the Place and Office of such a Clerk; and that you will truly record all Wills and Inventories as shall be exhibited into said Court, and by said Court be ordered to be recorded; as also all Orders, Sentences and Determinations of said Court; and deliver true Copies when they shall be required of you, taking only your lawful Fees therefor; and that you will perform and execute your Office, and Duty therein, according to the best of your Skill, and the Laws of this State.

Clerks pro-  
bate.

*So Help you God.*

*For Town Clerks, viz.*

**YOU A. B.** being chosen and appointed to be Town-Clerk or Register of the Town of *H.* do swear that you will truly and faithfully attend and execute the Place and Office of a Town Clerk for the said Town of *H.* according to your best skill; and make true Entries of all such Grants, Deeds of Sale, or of Gift, Town Votes, Mortgages and Aliensations or Dispositions of Land as shall be completed according to Law; and of all Births, Deaths and Marriages; and of all other Writings and Agreements as shall be brought to you to record; and you will deliver true Copies of the Records in your Hands when they shall be required of you, taking only your lawful Fees.

Clerks town.

*So help you GOD.*

*For Packers, viz.*

**YOU A. B.** being chosen and appointed to be Packer of Beef, Pork, and other Goods for the Town of *H.* do swear; that you will well and truly pack all Beef, Pork and other Goods and Commodities when you shall be thereto required; that you will pack no kind of Goods or Provisions but such as are good, sound, sortable and merchantable, nor in any Cask that is not full; Gage; and that you will set your own particular Mark upon all Cask packed by you; and all Things proper to your Place and Office of Packer you shall faithfully perform and discharge according to your best Skill, Judgment and Conscience.

Packers.

*So help you GOD.*

*For Fruit-Flowers, Leather-Scalers, Gagers, Sealers of Weight and Measures, Lifiers, Tying-men, Surveyors of High-ways, Surveyors and Packers of Tobacco, Hayward, Town-Trustees; Society-Treasurers, Scavengers, Commissioners of Sewers, Clerks of the Owners of Sheep, &c. mutatis mutandis.*

**YOU** swear that you will diligently and faithfully perform, discharge, and execute the Office of within the Limits whereto you are appointed, &c.

An Act for punishing and preventing Oppression.

**Preamble.** WHEREAS Oppression is a mischievous Evil, to which Men are prone in their Trade and Dealings. Therefore,

**Persons guilty of oppression to forfeit Act.** **B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That if any Person or Persons, such as Merchants, Shop-Keepers, Traders, Victuallers, or Handy-Crafts-Men, as Smiths, Shoe-Makers, Carpenters, Joiners, Taylors, Weavers; or other Trades-Men or Labourers whatsoever, shall oppress any Person or Persons, by demanding or taking excessive Wages for Work; or unreasonable Prices for such Wares, Merchandizes, or Commodities as shall pass from Man to Man, he or they so offending shall forfeit and pay to the Party injured, a Penalty according to the Quality of the Offence, as the Court before whom the conviction shall be made shall determine; not exceeding Three-fold the Damage sustained by such Oppression.

And for a Mode of Trial and Proceeding therein.

**Mode of trial** **B**e further enacted by the Authority aforesaid, That when any Person or Persons, shall make Complaint of Oppression done by any other Person or Persons, in any of the Matters aforesaid; the Authority to whom such Complaint shall be made, shall appoint and call before him or them Two or Three indifferent, judicious Freeholders, of the same Town the Person is of, who is complained of; who shall be sworn to give their Judgment and Opinion concerning the Price of such Goods; Wares or Commodities sold; or Labour done; and return the same to said Authority: Which Judgment and Opinion shall be the ground of legal Conviction.

**Penalty.** And where the Penalty doth not exceed the Sum triable by an Assistant or Justice of the Peace, such Authority is hereby empowered to hear and determine the same: But if the Penalty be above that Sum, the Person offending shall be recognized to appear and answer such Complaint at the next County Court, which Court shall hear and determine the same.

**Costs.** And the Offender on Conviction, shall pay the Costs of Prosecution, besides the Penalty to be awarded, as aforesaid.

An Act against breaking the Peace.

**Disturbance of the peace to be punished.** **B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That whosoever shall disturb or break the Peace, by tumultuous, and offensive Carriages, threatening, traducing, quarrelling, challenging, assaulting beating, or striking any other Person, such Person or Persons so offending, shall be liable to pay to the Party hurt or stricken, just Damages; and also shall pay such Fine, as on Consideration of the Party smiting, or been smitten, and with what Instrument, Danger, more or less, Time, Place, and Provocation shall be judged just and reasonable, according to the Merit of the Offence, as the Judges shall determine.

**If the offence be aggravated, to be bound over.** And if such Offence be aggravated by some notorious and high-handed Violences, the Offender or Offenders shall be bound over to the next County Court, to answer for such Offence.

And whereas Indian, Negro and Molatto Servants and Slaves are very apt to be Turbulent, and often to be quarrelling with white People, to the great disturbance of the Peace.

**Negros, &c. to be whipped.** **B**e it therefore further enacted by the Authority aforesaid, That if any Indian, Negro or Molatto Servant or Slave, shall disturb the Peace, as aforesaid, or shall offer to strike any white Person, and be thereof convicted, such Servant or Slave shall be punished by Whipping, at the Discretion of the Court, Assistant

Assistant or Justice that shall have Cognizance thereof; not exceeding thirty Stripes for one Offence.

And that effectual Means may be used for the preserving and promoting of the peaceable Behaviour and good Conversation of the People in this State, and for preventing and suppressing what is contrary thereto :

*Be it further enacted by the Authority aforesaid,* That the Surety of the Peace or good Behaviour, as the merit of the Case shall require, may, and shall be granted by any Assistant or Justice of the Peace in this State, against all and every such Person and Persons as by threatening Words, turbulent Behaviour, or actual Violence, or by any other unlawful Action shall terrify or disquiet any of the good People of this State; and also against Common Barrators, who frequently stir up and maintain Suits at Law in Courts, or Quariels and Parties in the County; as also against such as invent and sow false Reports, whereby Discord ariseth, or may arise among Neighbours; also against such as are of evil Name or Fame, generally, for maintaining or resorting to Houses suspected to be Houses of Bawdry and Incontinency; also against Night-walkers, that be of evil Name or Report generally; or such as eve-drop Men's Houses, or cast Men's Carts into Ponds; or commit other such like Misdemeanors, Outrages or Disorders in the Night Season; also against idle Persons, Drunkards, Libellers, and against such like Offenders.

Against whom sureties of the peace may be granted.

And if any such Person or Persons shall refuse to give Security for the Peace, or good Behaviour, it shall be in the Power of any one Assistant or Justice of the Peace, to commit such Person or Persons to the common Goal, there to remain till delivered according to Order of Law.

On refusal, to be committed.

*Be it further enacted by the Authority aforesaid,* That if any Person shall abuse any Magistrate, or Justice of the Peace, or resist abuse any Sheriff, Constable or other Officer in the Execution of his Office, such Person or Persons shall find Sureties for the Peace and good Behaviour until the next County Court in that County; or on Refusal may be committed to the common Goal, there to remain until the next County Court; which Court shall take Cognizance of the Wrongs and Abuses done to such Officer or Officers, by such Offender or Offenders; and lay such Penalty upon him or them (he or they being thereof legally convicted) as the Merit of the Offence shall deserve, appearing by the Circumstances of the same, not exceeding Ten Pounds.

Persons for abusing or resisting civil officers.

*And for the deterring and punishing of secret Assaults;*

*Be it further enacted by the Authority aforesaid,* That if any Person shall break the Peace by secretly assaulting, beating, maiming, wounding or hurting another, the Person so assaulted and injured, making Application and Complaint to the next Assistant or Justice of the Peace, shewing him what Hurt or Wounds he has received thereby; such Assistant or Justice shall forthwith grant out a Writ to the Sheriff of the County, or his Deputy, or Constable of the Town where such Assault shall be made, commanding them, or either of them, to arrest and bring before him such Person so assaulting, to answer such Complaint; who upon Oath being made against him of such Assault, and of the Wounds or Bruises thereby received by the Person assaulted and beaten, shall be bound in a sufficient Bond with Sureties for his Appearance at the next County Court in that County, to answer to the Complaint aforesaid: And in Case of Refusal to become bound as aforesaid, such Person complained of shall be committed to the common Goal of the County, there to remain till the next Sessions of the said County Court.

How to proceed for such assaults, &c.

And if the Person so bound or committed, shall not on Trial of the Case satisfy the Court that he was at some other Place at the Time the said Assault was made, and was not the Person who gave it, he shall be adjudged guilty.

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To pay damages in case they cannot clear themselves.

and shall be sentenced to pay the Person assaulted and injured, all such Damages as he shall have sustained by such Assault and Beating; or in case said Damages cannot then be computed, the Offender shall give Bond with sufficient Surety or Sureties to pay all such Damages as shall be afterwards awarded by said Court at some other Sessions to which the Case shall be continued; together with Costs of Prosecution: And also to pay the Treasurer of the County such Fine as the said Court shall order; not exceeding the Sum of Twenty Pounds, and stand committed till such Sentence is performed.

### An Act to suppress Pedlars, Hawkers and Petty-Chapmen.

No person to trade as a pedlar, &c. on forfeiture of his goods.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That no Person shall trade, deal and traffick in this State, as a Pedlar, Hawker or Petty-Chapman, upon the Penalty of forfeiting all Goods, Wares and Merchandizes so by him carried about and offered to sale; one Half to him who shall inform and prosecute to effect, the other Half to the State Treasury.

In what manner such goods shall be seized.

Be it further enacted by the Authority aforesaid, That all such Goods or Merchandize offered to Sale, as aforesaid, may and shall be seized by any Person to whom the same are so offered, or by any other Person or Persons within this State. And such Goods and Merchandize so seized, shall forthwith be delivered to next Assistant or Justice of the Peace; and an Inventory thereof shall be taken by such Assistant or Justice, who shall cause the same to be appraised by two indifferent judicious Freeholders under Oath, according to their true and just Value in Money; and said Goods so appraised, shall remain in the Hands of said Assistant or Justice until final Judgment be had thereon. And the Person or Persons seizing, as aforesaid, shall make Information against said Goods seized as aforesaid, to an Assistant or Justice of the Peace in the Town where said Seizure is made, in Case the Value does not exceed forty Shillings; but if it exceed that Sum, then to the next County Court in the County where the Seizure is made: And said Assistant, or Justice of the Peace, or County Court where such Information is filed, shall proceed to hear, try and determine said Cause, and are hereby empowered to decree said Goods forfeit as aforesaid, and order the same to be sold at Public Vendue, and the Avails thereof paid in Manner aforesaid. And the State's Attorneys in the several Counties, and all other informing Officers are hereby directed to make Prosecution of this Act.

Provided...

Always provided, That nothing in this Act shall be construed to hinder any Persons carrying about and selling Deers Skins, Beaver Furrs and all other the Produce and Manufacturas of this and the Rest of the United States.

### An Act for the Punishment of Perjury.

Penalty for perjury 200

**B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That if any Person or Persons, either by the Subornation, unlawful Procurement, Reward, sinister Persuasion, or Means of any other, or by their own Act, Consent, or Agreement, shall wilfully and corruptly commit any Manner of wilful Perjury, by his or their Deposition in any Court of Record, or upon Examination, that then, every Person and Persons so offending and being thereof duly convicted or attainted by Law, shall, for his or their Offence, lose and forfeit twenty Pounds, the one Moiety thereof unto the public Treasury

of this State, and the other Moiety to such Person or Persons as shall be grieved, hindred or molested by Reason of any such Offence, that shall sue for the same by Action of Debt, Bill, Plaint, Information, or otherwise in any Court of Record; in the which, no Wages of Law, Effoin, Protection, or Injunction to be allowed. And also to have Imprisonment by the Space of six Months without Bail or Mainprize.

And six months imprisonment.

And the Oath of such Person or Persons so offending not to be received in any Court of Record, until such Time as the Judgment given against the said Person or Persons shall be reversed by attainr or otherwise.

Disqualified from being witnesses.

And upon every such Reversal, the Party aggrieved to recover his or their Damages against all and every such Person and Persons as did procure the said Judgment so reversed, to be given against them, or any of them, by Action or Actions upon his or their Case or Cases, according to the Course of the Common Law.

Party injured to recover damages.

And if it happen the said Offender or Offenders so offending, have not any Goods or Chattels to the Value of Twenty Pounds, that then he or they shall be set in the Pillory by the Space of one whole Hour, in some County Town where the Offence was committed, or next adjoining to the Place where the Offence was committed; and to have both his Ears nailed: And from thenceforth to be discredited and disabled forever, to be sworn in any Court of Record, until such Time as the Judgment shall be reversed.

If any unable to pay, &c. to be set in the pillory.

And all and every Person or Persons who shall unlawfully and corruptly procure any Witness or Witnesses by Letters, Rewards, Promises, or by any other sinister and unlawful Labour or Means whatsoever, to commit any wilful or corrupt Perjury in any Matter or Cause whatsoever, depending, or that shall be depending in Suit and Variance, by any Writ, Action, Bill, Complaint or Information in any Court of Record; every such Offender being thereof duly convicted or attainted by Law, shall, for his or their Offence be proceeded against, and suffer the like Pains, Penalties, Forfeitures and Disability in all Respects as above-mentioned.

Like punishment for subordination.

## An Act concerning Petitions, and Prayers, or Memorialls to the General Assembly.

**B**E it Enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That no Petition, Prayer, or Memorial made or preferred by any Person or Persons whatsoever to the General Assembly, shall be heard or considered by said Assembly, where any other Person or Persons is, or are concerned in the Estate, Matter, Thing or Things in Controversy, and have Right to be heard in the same, unless he or they so concerned have been summoned or notified thereof, at least twelve Days before the first Tuesday which shall be next after the opening of the said Assembly; and also have an attested Copy of such Petition, Prayer or Memorial given or offered to him or them, or left at the Place of his or their usual Abode, at least twelve Days before such Tuesday.

Adverse party to be notified, &c.

And that all Summonses for the adverse Party to appear and answer to the said Petitions, Prayers, or Memorialls shall be for their Appearance on the said Tuesday.

Time of appearance.

And that if any Person or persons preferring such Petition, Prayer, or Memorial in controversial Matters shall not appear on Wednesday next after the said Tuesday to prosecute the same, it shall abate.

To abate for non-appearance of petitioner, &c.

And if upon Trial of the Case in any Petition contained, it doth appear that either the Petitioner or Petitioners, or the Person or Persons summoned to answer do, or have given the other Party unjust Trouble, the Party or Parties wronged shall be allowed his or their just Cost and Damages, as in other Cases.

Party wronged to recover costs.

No petition lies when remedy at Law may be had.

And be it further enacted by the Authority aforesaid, that no Petition shall be preferred to the General Assembly, but in such Case or Cases where no other Court is by Law competent to grant Relief.

Provide.

And it is further enacted and provided by the Authority aforesaid, That no Petition shall be preferred to the General Assembly in any Case whatever, wherein the Value of the Debt, Damage, or other Matter or Thing about which the Controversy did arise, does not exceed the Sum of seven Pounds. And that no original Suit for Relief in Equity shall be preferred to said Assembly, unless the Value of the Matter or Things in Demand exceeds the Sum of sixteen hundred Pounds; all Suits of that Kind of Matters of less Value, being by Law made triable before the County or Superior Courts.

Petition to be lodged before the 5th day of the sessions.

And it is further enacted, That all Memorials wherein no Person or Party is so concerned or interested as that he need be cited, shall be lodged in the Secretary's Office on or before the eighth Day of the Sessions of that Assembly to which they preferred, otherwise they shall not be heard.

### An Act for ordering and regulating Pleas and Pleadings.

Preamble.

FOR preventing unnecessary Charge and Delays in the several Courts of Common Pleas in this State; and for the more regular Proceeding in Trials therein.

Pleas in abatement to be heard, &c. and Issue joined before jury is impanelled.

BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That all Pleas made in Abatement of Writs or Processes in any of the County Courts in this State, shall be made, heard and determined; and the Issue in every Case joined, and an Entry thereof made before the Jury is impanelled.

Appeal on abatement, &c.

And upon every Appeal from a Determination of Pleas made in Abatement of the Writ or Process, the Cause shall be referred with the Appeal to the next Superior Court, where the Plea in Abatement shall be finally issued; and if the Cause proceed, the Issue shall there be joined, unless by the Course of the Pleadings there shall be a Demurrer in Law only.

Nihil dict.

And in Case any Defendant will not make his Plea or Join Issue, Judgment shall be given against him upon a *nihil dicti*.

General Issue.

That the general Issue of, Not Guilty, *nil debet*, no Wrong or Difficult, or any other general Plea proper to the Action, whereby the whole Declaration is put upon Proof, according to the Nature of the Case, may be made by the Defendant; under which general Plea the Defendant shall have Liberty upon Trial of the Case on such general Issue to give his Title in Evidence, or any other Matter in his Defence or Justification as the Nature of the Action may be; excepting only a Discharge from the Plaintiff, or his Accord, or some other special Matter, whereby the Defendant by the Act of the Plaintiff is saved or acquitted from the Plaintiff's Demand in the Declaration.

When pleas may be allowed.

And whensoever any Party shall suppose he has missed his Plea, whether the General Issue or Special Plea, which would have saved him in his just Cause, he shall have Liberty to alter his Plea; and the opposite Party shall have a reasonable Time assigned him for making Answer thereunto; And if the new Plea be found insufficient for the justifying him that made it, reasonable Satisfaction shall be awarded by the Court before which the Trial is, to the other Party for the greater Delay which is made thereby; according to the Interest of Money, Rent of Land, or Improvement of any other Thing recovered by the Suit,

Provide.

Provided nevertheless, That no Defendant shall in the Trial of any Cause, be admitted to demur to the Declaration after he hath pleaded to Issue, and a Judgment thereon hath been given by any Court; any Thing to the contrary before in this Act notwithstanding.

An Act for maintaining and supporting the Poor.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That each Town in this State shall take care of, support and maintain their own Poor. Towns to support their own poor.

And the Select-men for the Time being, or Overseers of the Poor, (where any such are chosen) shall have full Power to expend or disburse out of the Town Stock or Treasury, what they shall judge meet and necessary from Time to Time, for the Relief, Supply and Support of any of the Poor belonging to their Town, so far as to the amount of five Pounds: And if more be needful, the said Select-men or Overseers, or the major Part of them shall, with the Advice of the Authority of that Town, (if any there be) expend and disburse what shall be by them judged needful for the relief of the Poor, as aforesaid. Provision for that purpose how made.

And in case there be none of the Civil Authority in any Town, the Select-men, or Overseers aforesaid, of such Town, may act as fully as if they had such Advice in the Case aforesaid, for the relief of the Poor, and for the supplying them, or any of them with Victuals, Cloathing, Firewood, or any Thing necessary for their Support or Subsistence.

And if any Select-man or Overseer of the Poor, do neglect or refuse to give a just Account upon Oath of what he hath expended as aforesaid, and of what of the Town's Stock or Money is in his Custody, upon ten Days Warning before an Assistant, or Justice of the Peace, when called to it by the Town, and return what is not expended, to and for the Use aforesaid, to the Town, he or they shall be committed by an Assistant, or Justice of the Peace, to the Goal, there to remain at his or their own Charge and Cost, until he or they shall give such Account, and make Return as aforesaid. Penalty for neglect.

That if any poor Person or Persons who have had, or shall have Relief or supplies from any Town, shall suffer their Children to live idly, or mispend their Time in Loitering, and neglect to bring them up or employ them in some honest Calling, which may be profitable to themselves and the Public; or if there shall be at any Time any Family that cannot, or do not provide competently for their Children; whereby they are exposed to Want or Extremity; or if there be any poor Children in any such Town, that live idly, or are exposed to Want and Distress, and there are none to take Care of them, it shall and may be lawful for the Select-men or Overseers of the Poor in each Town, and they are hereby impowered and directed, with the assent of the next Assistant or Justice of the Peace, to bind out any and every such poor Child or Children, belonging to such Town, to be Apprentices or Servants, where they shall see convenient; a male Child till he comes to the Age of twenty-one Years, and a Female till she comes to the Age of Eighteen; which Binding shall be as effectual to all Intents and purposes as if any such Child were of full Age, and by Indenture of Covenant had bound him or herself. Children to be brought up to labour.

And that if any Person or Persons shall come to live in any Town in this State, and be there received, and entertained by the Space of three Months, and if by Sickness, Lameness, or the like, he or they come to want Relief, every such Person or Persons shall be provided for by that Town, wherein he or they were so long entertained, at said Town's own proper Cost and Charge: unless such Person, or Persons by Law are to be provided for by any particular Inhabitant of such Town; or, unless such Person or Persons wanting Relief, have within the said three Months, been warned as the Law directs, to depart and leave the Place: And if such Warning be given, and the same be certified to the next Superior Court to be held in the same County, the said Court shall and may otherwise order the defraying the Charge arising about such indigent Person or Persons. Persons suffered to continue three months, towns liable, &c.

An Act for providing and maintaining Pounds, and for regulating the impounding Creatures, and for preventing Refuges and Pound Breach.

Pounds to be kept in each town.

**B**E it Enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That there shall be made, and from Time to Time kept and maintained, in every Town within this State, at the Charge and Cost of such Town, a sufficient Pound or Pounds for the impounding and restraining therein, all such Horses, Cattle, Swine and other Creatures as shall be found Damage-feasant; or shall be by Law liable to be impounded.

Select-men to see that they are provided.

And the Select-men in each Town shall, from Time to Time, as Need shall require, erect and maintain a sufficient Pound or Pounds, as the Towns have agreed or shall agree, at the proper Charge and Cost of said Towns.

Or forfeit 10s per month.

And that if any Town be at any Time hereafter, without a sufficient Pound for the Purpose aforesaid, the Select-men of such Town shall forfeit the Sum of Ten Shillings per Month, for every Month such Town is unprovided with a sufficient Pound or Pounds so agreed on by such Town or Towns; one Half to him or them that shall prosecute the same to Effect, and the other Half to the County Treasury: Any one Assistant or Justice of the Peace to hear and determine the same.

Proviso.

*Provided nevertheless*, That if any Town hath granted, or shall grant, to any particular Parish, Hamlet, Vicinity or part of any Town, Liberty at their own Cost and Charge to erect a Pound or Pounds for their own Convenience (which Grant such Towns are hereby impowered to make) the said Pound or Pounds shall be maintained by the said Parish, Hamlet, Vicinity or part of any Town; and the Select-men shall not suffer or be punishable for any Defects therein.

Persons impounding creatures to give speedy notice to the owner.

*Be it further enacted by the Authority aforesaid*, That any Person impounding any Horses, Cattle, Swine, or other Creatures, shall give Notice thereof to the Owner of such Creatures, as soon as may be, if the Owner be known, on Pain of forfeiting the same Penalties as are hereafter in this Act expressed for such Persons as having Notice of their Creatures being impounded, shall neglect to redeem them out of Pound.

Horses, &c. impounded, owners not known, to be cried, &c.

That if any Horses, Cattle, Swine, or other Creatures shall be taken Damage-feasant and impounded, and the Owner thereof is not known, the Impounder shall forthwith inform one of the Constables of the Town thereof, who shall cry such Creatures, with their natural and artificial Marks, by posting up the same in the Town where they are impounded and in the two next neighbouring Towns, from whence it may be most likely such Creatures came.

Owner not appearing, &c.

And if no Owner doth appear, (in the Case of Sheep and Swine that are impounded) in eight Days after such Creatures are cried and posted, as aforesaid, and in the Case of Horses and Cattle, in twenty Days after cried and posted as aforesaid; then so many of the said Creature shall by the said Constable be sold at an Out-cry, as may be sufficient to satisfy the Damage and Expence, and for Meat and Water, with the Charges arising for crying and selling the same.

Marks to be entered, &c.

And the Marks natural and artificial of the Creatures so sold, shall be entered in the Town Clerk's Office, together with an Account of the Charges within and the Price of the Creatures, and the Sum of the Overplus remaining (if any be) after the Town Clerk is satisfied for Entry; and such Overplus shall be delivered to the Town Treasurer to be kept for the Owner: But if no Owner appear within one Year, such Overplus shall belong to said Town's Treasury.

Proviso.

*Provided nevertheless*, That the Fence about the Inclosure out of which Horses or Cattle are impounded; must be found sufficient by two sworn

Fence-Viewers before any Sale shall be made as aforesaid: And if the Owner or Owners of such Horses or Cattle shall come within said twenty Days, he or they shall receive such Horse Kind or Cattle, paying for viewing said Fence, and other Damage and Cost, which by this Act shall be due as aforesaid.

Be it further enacted by the Authority aforesaid, That if any Person or Persons, whose Creature or Creatures shall be impounded, and he or they notified thereof, as aforesaid, shall not within twenty-four Hours after such Notice to him or them given, either replevy or redeem his or their said Creature or Creatures out of the Pound, every such Person or Persons shall forfeit one Shilling per Head for every Beast so by him or them suffered to continue in Pound; and so the same Sum a Day for every Day after the first Day that he or they shall suffer said Creatures to continue in Pound, besides all necessary Charges the Pound-keeper shall be at in providing and giving Meat and Water to such Creatures so continued in Pound.

Penalty for neglecting to redeem, &c.

All of which Forfeiture as shall become due for Breach of this Order, shall belong one half to the Pound-keeper, and the other half to the Town-Treasury; (just Damages and Poundage being first paid; which shall be done before said Creatures are released out of Pound): Any one Assitant or Justice of the Peace, to hear and determine the same; and on Conviction of the Offender, to grant a Warrant for levying the same, with Cost, out of the Estates of the Persons convicted, as aforesaid.

Disposition of the forfeitures, &c.

Be it further enacted by the Authority aforesaid, That all Horse-kind which being suffered to go at Large on the Commons, do break into any Common Field or particular Inclosure, and are there found Damage-feasant, and from thence impounded; the Owner thereof, if known, shall pay for the Poundage Four-pence per Head, and Damages, notwithstanding the insufficiency of the Fence: And in case the Owner of such Horse or Horse-kind, cannot be known within the space of twenty-four Hours after the Impounding the same, they shall be accounted Strays, and be liable to be proceeded with as such.

When poundage is to be paid for horses notwithstanding the insufficiency of the fence, &c.

That upon the Replevin of any such Horse or Horse-kind, or other Dispute in the Law arising on any such Matter, when the Impounder has under Oath declared the Place from whence he took said Horse, or Horse-kind, that unless the Owner of such Horse or Horse-kind can shew to the Satisfaction of the Court or Justice, before whom the Trial is, that the said Horse or Horse-kind were not suffered to go at Large on the Commons, and did enter into the said Field or Inclosure, through the insufficiency of some other part of the Fence not adjoining to the Commons, Judgment shall be rendered against the Owner of such Horse or Horse-kind, to pay just Damages, together with Costs.

Replevin.

Be it further Enacted, That the Fee to be paid by the Owner or Owners of all such Horses, Cattle, Sheep and Swine as shall be taken Damage-feasant, and impounded (whereof Three-quarters shall be to the Driver or Impounder, and One-quarter to the Keeper of the Key) shall be as followeth, viz. For all Horses, Horse-kind and Neat-Cattle, Eight-pence per Head: For all Sheep, One-penny per Head: For all Swine, Eight-pence per Head; except where the Law provides otherwise.

Poundage per Head

And that if any Creatures lawfully impounded, shall escape and get out of Pound, the Owner thereof being known, shall pay all just Damages and Poundage notwithstanding: Which shall be as recoverable by Action of Debt, as any other Debt whatsoever.

Provided, The Person or Persons impounding such Creatures, shall give Oath that he or they took such Creatures Damage-feasant:

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall rescue any Horses, Cattle, Sheep, Swine or other Creatures taken up as aforesaid, out of the Hand or Custody of any Person or Persons going to Pound with them, or shall resist them therein, or shall by any Means convey

Penalty for

going to

convey

such Creatures out of the Pound, or Custody of the Law, whereby the Party wronged may be liable to loose his Poundage and Damages; and the Law to be eluded, the Party so offending shall for such Rescues, forfeit and pay the Sum of *Twenty Shillings*; and for such Pound Breach, the Sum of *Ferry Shillings*: Three Quarters of which shall be for the Use of the Town Treasury of that Town wherein the Offence shall be committed, and one Quarter thereof to him, who shall prosecute the same to Effect; and also shall pay all Damages to the Party wronged by such Rescues, or Pound Breach.

If unable to pay to be whipped, &c.

And if either of said Offences be done by any Person or Persons not of Ability to answer and pay the Damage and Forfeiture aforesaid, such Person or Persons being convicted as aforesaid, shall by Warrant from the Authority before whom the Conviction is had, be whipped, not exceeding fifteen Stripes for meer Rescue, or Pound Breach, and shall be assigned in Service to the Party wronged, to make Satisfaction for the Damages he shall have sustained.

When masters or parents liable to pay, &c.

And if it appears that there was any Procurement of the Owner or Owners of the Creatures; or that they were Abettors; or if it be done by their Servants or Children, the said owner or Owners shall pay all Damage and Forfeitures, as if he or they had personally done the same.

Provido.

*Always, provided*, That all Complaints for Breach of this Act, shall be prosecuted within nine Months after the Offence is committed, and not after.

### An Act concerning Prohibitions.

Prohibition how obtained &c.

**B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That when any Person or Persons shall make Suggestion to the Superior Court in this State, or in the Vacation to the chief Judge, or to any two of the assisting Judges of said Court, *also* any other Court held in this State do exceed their Jurisdiction, or do hold plea of any Matter, Cause or Thing, whereof by Law such Court hath not Cognizance or Jurisdiction, whereby the person or persons suggesting are grieved, then, and in every such Case the said Superior Court, chief Judge or two assisting Judges to whom such Suggestion is made, shall be, and they are hereby empowered to grant a Writ of prohibition; subscribed by the Chief Judge, or by two assisting Judges of said Court, and sealed with the Seal of the said Court, *also* attested as well to the party prosecuting in, as to the Judge of such Court that hath taken or doth take Cognizance of any such Cause, Matter or Thing whereof they have no Right to hold plea, as aforesaid, prohibiting them from proceeding any further.

Sup. courts power in the premises.

And the said Superior Court is hereby further empowered to proceed from Time to Time thereon, and to render Judgment in every such Case according to the Course of the common or Statute Law, as the Nature of the Case may require, and award Costs as in other Cases, and grant Execution accordingly.

### An Act relative to the People commonly called Quakers.

Preamble.

*WHEREAS* the People commonly called Quakers, decline and refuse to take an Oath in the usual Form, by Reason of Scruples of Conscience.

Wherefore, in Rassement thereto :

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by their Authority of the same, That every Quaker within

this State, who shall be required upon any lawful Occasion to take the Witness Oath, shall instead of the usual Form, be permitted to make his or her solemn Affirmation; and the same shall be administered, to him or her in the Words following, viz.

**YOU A. B. do solemnly and sincerely affirm and declare, that the Evidence you shall give to this Court concerning the Case now in Question, shall be the Truth, the whole Truth, and nothing but the Truth; upon the Pains and Penalties of Perjury.**

And that in every other Case, where an Oath by Law is enjoined, the same shall and may be administered to them in the usual Form by Law prescribed, excepting instead of the Words, "*swear by the Name of the everliving God,*" these Words, viz. "*solemnly, sincerely and truly affirm and declare,*" shall be made Use of in the Room thereof; and, omitting the usual close of these Words in the Form, viz. "*So help you God.*"

And all Persons authorized or required by Law to administer an Oath, are hereby authorized and directed to administer and tender the same, when thereby Law required, to the People called Quakers, in the Form in this Act prescribed.

And be it further enacted by the Authority aforesaid, That the aforesaid solemn Affirmation or Declaration, when made as aforesaid, shall be adjudged and taken to be of the same Force and Effect, to all Intents and Purposes in all Courts of Justice and other Places, where by Law an Oath is required, within this State, as if such Quaker had taken an Oath in the usual Form.

And if any Quaker making such solemn Affirmation or Declaration, shall be lawfully convicted of having wilfully, falsely, and corruptly affirmed or declared any Matter or Thing, which if the same had been in the usual Form, would have amounted to wilful and corrupt Perjury; every such Quaker so offending, shall incur the same Penalties and Forfeitures as by the Laws of this State are enacted against wilful and corrupt Perjury.

## An Act for the Punishment of Rape.

**Be it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same,** That if any Man shall forceably, and without Consent ravish any Maid or Woman, by committing carnal Copulation with her against her Consent, he shall be put to Death.

*Provided,* Complaint and Prosecution be made forthwith upon the Rape.

## An Act for collecting and paying Rates or Taxes.

**Be it enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same,** That every Inhabitant in this State, shall (unless by Law in any Case exempted) contribute to public Charges, both civil and ecclesiastical, whereof he doth or may receive Benefit; may, and shall be compelled thereunto, if need be, by Assessment and Districts: To be levied and collected as is or shall be by Law provided.

And all Rates and Taxes that shall be granted by the General Court; and all other Rates or Taxes of Counties, Towns, Societies; or any Community by Law enabled to grant and levy Taxes, shall be made by the same Rule; THAT IS TO SAY, according, and in Proportion to the general List of Polls and rateable Estate, from Time to Time given in, and made according to Law, except where another Rule of granting and levying Rates, Taxes or Assessments, is by Law provided in any particular Case or Cases.

State treasurer to send out his warrants, &c.

Directed to the constables, &c.

Provido.

Collectors neglecting, &c.

Treasurer to send out a distress against him.

Directed to the sheriff, &c.

His Duty.

On return of non est against the collector,

distress to issue against the selectmen.

Penalty of 20l. on treasurer for neglect, &c.

Penalty on sheriff for neglecting his duty, &c.

That whensoever the General Assembly doth grant any Rate or Tax to be levied upon the Inhabitants of this State, the Treasurer of this State for the Time being, is hereby impowered, required and directed (without any further Notice to him given) to send forth his Writs or Warrants in due Form, at least three Months before the Time limited for the Payment thereof, into the public Treasury, directed to the several Constables, Collectors of such Taxes within this State, them commanding without fail, to collect and pay the same into the public Treasury, by the Time fixed for that Purpose; and in Case no particular Time is specially fixed in the Grant of any Tax, as aforesaid, for the Payment thereof into the public Treasury, the same shall be collected and paid in before the last Day of August, which shall be in each Year respectively.

*Provided nevertheless,* That the said Collectors shall not proceed to levy or distrain for said Rates, or any Part thereof, till within two Months before the Day in which the same is made payable into said Treasury.

*And it is further enacted by the Authority aforesaid,* That if any such Collector shall neglect so to collect and pay such Rate or Tax, and his Account thereof with the Treasurer to settle and adjust, by the respective Days or Times to that End limited, the said Treasurer shall, and he is hereby directed and required, within thirty Days next after such limited Time, to issue forth a Distress, directed to the Sheriff of the County wherein such Collector dwells, him in the Name of this State commanding, of the Goods or Estate of such negligent Collector the full Amount of such Rate or Tax, or such part thereof as shall then remain unpaid, to levy and pay to said State Treasury; which Writ shall be made returnable to said Treasurer within sixty Days from the Date thereof: And it shall be the Duty of such Sheriff so to return the same accordingly; duly certifying and setting forth his Doings, touching such Collections thereon, or a *Non est inventus*, as the Case may require. And every Sheriff to whom such Distress or Warrant shall be directed, is hereby impowered and commanded to serve the same, in and through all the Counties and Towns in this State, agreeable to the Directions therein given.

*And it is further enacted by the Authority aforesaid,* That in case of a Return of *non est inventus*, as aforesaid, and the Money thereby to have been levied, or any Part thereof shall still remain unpaid into the Treasury, in such Case the Treasurer shall forthwith issue a Distress directed to the Sheriff as aforesaid, him requiring, such remaining Sum or Sums, with all Officers Fees and Charges before such Time arisen, and to arise of the Goods or Estate of the Select-men (or of any or either of them) of the Town to which such negligent Collector doth belong, to levy and pay into said Treasury; which said Writ shall be made returnable, within sixty Days.

*And it is further enacted by the Authority aforesaid,* That if said Treasurer shall neglect to send forth his Writ or Warrant to, or his Distress against the Collector neglecting to collect and pay as aforesaid; or on return of *Non est inventus*, and the said Rate or Tax remaining still unpaid, shall neglect forthwith to send forth a Distress against the Select-men of such Town, where said negligent Collector doth belong, as is above required; in every such Case the said Treasurer shall forfeit and pay to, and for the Use of this State, the Sum of *Twenty Pounds* lawful Money; and so Twenty Pounds more per Month, for every Month he shall so neglect and fail to issue his Warrants or Distresses as aforesaid.

*And it is further enacted by the Authority aforesaid,* That in case the said Sheriff shall be guilty of any failure, breach or neglect of Duty, in the Execution of his Office, in any of the Matters aforesaid, he shall be subject to and suffer the same Pains and Penalties, and be proceeded against in the same Manner as is provided in one certain Statute Law of this State, entitled, 'An Act for ap-

*pointing of Sheriffs, and for empowering and regulating them in the Execution of their Office.*

*And be it further enacted by the Authority aforesaid,* That it shall be the Duty of the State's Attorney in the County where the said Treasurer dwells, and he is hereby required, to enquire after any and every such Neglect, either of the said Treasurer or any of the Sheriffs touching the Matters aforesaid, and he is hereby authorized, empowered and directed, in the Name of this State, to sue for and recover any Forfeitures and Damages that shall accrue by Virtue of this Act, in any of the Superior or County Courts in such County. And in case any Forfeitures shall be recovered by Virtue of this Act, the said Attorney shall have to himself, as a Reward for his Faithfulness, after the Rate of Two and an Half per Cent. upon all such Forfeitures recovered as aforesaid, and the Rest and Residue thereof he is hereby ordered to pay unto the said Treasurer, taking his Receipt for the same, and lodging said Receipt with the Secretary of this State; and the Money so recovered and paid in as aforesaid, shall become part of the public Stock, in the Hands of the Treasurer, for which he shall be accountable.

Duty of State's attorney to sue for all forfeitures, &c.

Two and half per cent. allowed him for his trouble

*And be it further enacted by the Authority aforesaid,* That when and so often as it shall happen, that any Constable, Collector as aforesaid, shall prove insolvent, or shall not be able to pay the State Tax, or any Part or Parcel thereof in his Hands, in such Case the Treasurer is empowered and ordered to issue his Warrant, directed to the Sheriff of the County where such insolvent or deficient Constable or Collector dwells, requiring him to levy and collect of the Select-men, or any one of them, of that Town in which such insolvent Constable is chosen as aforesaid, such Rate or Part or Parcel thereof as shall then be in the Hands of such insolvent Constable; which Sheriff receiving such Writ, shall be, and he is hereby empowered and required to serve the same throughout this State as aforesaid; and also shall pay what he shall so levy of such Select-men or Select-man, to the Treasurer as aforesaid.

When collector proves insolvent, &c. warrant to issue against the select-men, &c.

*And the Select-men aforesaid shall,* and they are hereby empowered to levy a Tax or Rate upon the Inhabitants of the said Town or Towns, according to the list of Polls and rateable Estate therein, that shall be sufficient for the payment of such Rates or Part thereof, as is recovered by said State Treasurer of such Select-men as aforesaid, with the Charges arising thereon. And the said Select-men shall be accountable for said Tax levied as aforesaid, to their Successors in said Office, or to such Person or Persons as shall be appointed by said Town or Towns for that Purpose.

Select-men to tax the town, &c. to reimburse themselves, &c.

*And in order that any Town or Select-men, in Case of the failing Circumstances of their respective Collectors,* may be enabled to avail themselves of any Part of the Rate-Bills in the Hands of such Collectors, or of their Estates, and thereby prevent the Loss they may be exposed to:

*Be it further enacted by the Authority aforesaid,* That when and so often as any Collector of the State Tax shall neglect to make up and settle his Accounts with the Treasurer, by the Time appointed by Law for settling the same, it shall be lawful for the Select-men of such Town for the Time being, to bring their Action against such negligent Collector for the recovery of such Sum or Sums as shall remain unpaid, and to attach and secure the Person and Estate of such Collector, for the same; and the whole of the Estate which such Collector shall be seized or possessed of at the Time of the Select-men bringing their Action as aforesaid, shall be subject to the Payment of said Rate or Tax, any Disposition of said Collector or any Demand of any Creditor notwithstanding.

How the towns may secure themselves in case of failing of the collector, &c.

*Provided also,* That if any such Collector shall deliver up his Rate Bill into the Hands of the Select-men, they are hereby empowered to depute some meet Person to collect what remains uncollected thereon, and the same shall be accounted for in Favour of said Collector.

Proviso.

Collector being sued by the town, warrant may issue out against select-men.

Collector to pay interest after rates are payable, &c.

Towns to pay interest, &c.  
How levied, &c.

Sheriffs to pay interest after 30 days, &c.

Towns chargeable with the whole tax, &c.  
except, &c.

Poor abated.

Persons committed to goal may take poor prisoners oath, notifying, &c.

In which case the town answerable for their taxes, &c.

*And it is further enacted by the Authority aforesaid,* That when and so often as any Town shall have brought their Action against any Collector pursuant to this Act, the Treasurer of this State may grant out his Warrant against the Select-men of that Town for the non-payment of said Tax or Taxes, in the same Manner as if a return of a *Non est inventus* had been made against said Collector.

*Be it further enacted by the Authority aforesaid,* That every Collector of the State Tax, who neglects to pay into the State Treasury such Tax by him to be collected within sixty Days next after the same is made payable and due, such negligent Collector shall pay lawful Interest on what shall be unpaid of such Rate or Tax, from and after the Expiration of said Days until he discharge the same; and said Collector shall likewise be, and he is hereby enabled to levy and collect said Interest of the respective Persons from whom the same is due, and who have neglected to pay said Rate. And the Treasurer of this State is hereby authorized and directed to issue out Execution to levy and collect whatever Interest shall become due for neglect of Payment as above provided, in like Manner as he is for the Principal Sum due on Rates or Taxes.

And in Case any Collector shall prove Insolvent, the Town appointing such Collector shall pay Interest on all such Taxes in like Manner as above provided in regard to the Collector, and the same shall be levied and collected of the Select-men of said Town, in the same Manner as Taxes by Law are to be collected of insolvent Collectors; and said Select-men shall have the same Authority to levy and collect such Interest, as they have to collect the Tax, in Case of insolvent Collectors.

*Be it further enacted by the Authority aforesaid,* That when any Sheriff has received Money for Rates, on Warrant from the Treasurer of this State, against any Collector, or Select-men of any Town on the Insolvency of the Collector of such Town, and shall neglect to pay the same within thirty Days next after the receiving such Money, such Sheriff shall pay Interest on such Money until he pay the same to said Treasurer.

*Be it further enacted by the Authority aforesaid,* That the several Towns in this State, shall be chargeable and responsible for the full amount of the State Tax or Rate that may at any Time be granted by the General Assembly, in proportion to the Sum Total of the respective Lists of said Towns as the same shall be annually made and returned according to Law. And the Treasurer of this State shall make no Deduction from said Amount, except the Abatement that may be expressly mentioned in the Grant itself of said Tax, nor shall he accept or allow any Bills of Abatement for any Part of such Rates, save only such as are expressly mentioned to be allowed, and are certified conformable to the Directions given in the Law of this State, entitled, "*An Act for the direction of Listers in their Office and Duty.*"

*And be it further enacted by the Authority aforesaid,* That the Select-men of the several Towns in this State, respectively, or the major Part of them, with the Advice of an Assistant or Justice of the Peace, shall have Power, and they are hereby empowered to abate the Rates of such in their respective Towns as are poor and unable to pay the same. And when any Person shall by any Collector of the State Tax, be committed to Goal for the Non-Payment of such Rate, and being so committed, shall have lawfully administered to him the Oath by Law provided for the Relief of poor Prisoners; (which Oath he shall not be permitted to take, until one or more of the Select-men of the Town where such Prisoner belongs, have had due and reasonable Notice to be present and shew Reasons (if any be) why said Oath should not be administered to him :) The Town to which such poor Persons, whose Rates are so abated, or who have taken the poor Prisoner's Oath as aforesaid, do belong, shall be chargeable with the Sums at which such Persons were charged in said Rates; and also with all

the Cost and Charges occasioned by such Commitment; and the Select-men shall order the same to be paid to such Collector out of the Treasury of such Town: And for Want of a Sufficiency in said Town Treasury to pay the same, the said Select-men are hereby impowered to make and levy a Tax on the Inhabitants of such Town, sufficient to raise such Sums as shall be needful for that Purpose, together with the Charges of collecting the same. And in Case the said Rates are not paid to said Collector within thirty Days next after the Time limited for Payment of such Rate to the State Treasurer, such Collector shall certify the same to said Treasurer, who shall thereupon issue an Execution in due Form of Law, to levy the same out of the Money, Goods or Estate of such Select-men.

*Be it further enabled by the Authority aforesaid, That whensoever any Town, Towns, &c. Society, or other Community, which by Law are, or shall be enabled and authorized to grant and levy any Rate or Tax for the answering or defraying their necessary Charges and Expense, shall in any of their lawful Meetings, agree upon and grant a Rate or Tax to be levied on and collected of themselves, for any of the Purposes for which by Law they are or shall be impowered to grant such Rate or Tax, they shall choose some meet Person or Persons to be Collectors of such Rate or Tax, and take proper Care that such Rate be accordingly made for the just Assessment of the several Persons taxed, and deliver the same to such Collectors.*

And appoint collectors, &c.

And upon Application made to some Assistant or Justice of the Peace, such Assistant or Justice is hereby authorized and directed to grant a Warrant for the collecting such Rate or Tax: Which Warrant shall be directed to the Collector or Collectors appointed to collect the same; requiring and impowering him or them to gather and collect such Rate or Tax according to the Grant thereof, made as aforesaid.

Warrant to be granted, and by whom

And that all Collectors authorized and impowered to gather and collect any Rates or Taxes whatsoever, duly laid and assessed on any of the Inhabitants of this State or others, shall have full Power and Authority to collect such Rates or Taxes according to such lawful Warrant as shall be given them; and shall have the same Power and Authority to command the Assistance of any Person or Persons in the Execution of their Office (when Need shall require) as is by Law given to Sheriffs and Constables in the Execution of their Offices: And all Persons are hereby required to yield due Obedience thereunto; and immediately to afford their Assistance, on the same Penalties as are provided by Law for enforcing Obedience to the Command of Sheriffs and Constables. *Provided, Such Collectors shew and read their Warrant or Authority to the Persons whose Assistance is commanded.*

Collectors power, &c.

Provided.

And that all Constables chosen to collect the public Tax, and other Collectors of Rates, and every of them, shall have the same Power and Authority in any of the Plantations or Towns in this Government, as said Officers have in their own Precincts, to gather and collect the respective Rates of any Person or Persons whose Polls or Estate are in their Lists; and shall be allowed Post Wages for their Travel; and also shall and may collect and gather such Rates and Taxes, or what shall be due thereof, at any Time after their respective Years shall be up, as well as before.

Collectors authority extended thro' the state, &c.

And if it shall so happen that any such Constable or other Collector of Rates, after his Year be up, and before he hath collected the whole of the Rates he is appointed to collect, shall be removed by Death, then the Executors or Administrators of such deceased Constable or Collector shall have the same Power and Authority to collect any and every Part of the Rate not paid to the said Constable or Collector in his Life Time, as the said Constable or Collector had when alive, and shall be Collector in the Room of the Deceased for the gathering the remainder of such Rate: And all Executors and Administrators of Collectors

Collector dying after his year is up, &c. his executors impowered, &c.

In case he dies before his year is up, &c. how to be chosen.

shall be responsible for the Rates, as the Collectors by Law are.

But in Case any such Constable or other Collector of Rates, die before his Year be up, and the Rate not fully collected, that then every Town and Society wherein such Case shall happen, are hereby directed to proceed forthwith to the Choice of a new Constable or Collector for the collecting and gathering the remaining Part of such Rate.

Collectors to appoint time and place to receive rates, &c.

That the Constables appointed to collect the State Tax, and also the Collectors of Town, Society, Ministers or other Rates, shall appoint Time and Place for the paying and receiving such Rates as are due; and each Inhabitant shall have reasonable Warning to pay his Proportion; which Warning every Man is to observe, and attend for the Payment of such Rates or Dues; and upon Neglect thereof the said Collectors shall be and are hereby empowered to make Distraints upon such Person or Persons for their Rates not paid, with *Two-pence* on the Shilling for their Trouble, and charge of Forriage (if any be) and their lawful Fees for Travel, and all other necessary Charges; and that in Case a Distraint be made and granted out for any of the Rates or Assessments aforesaid, the Officer shall distrain Goods or Chattels, if they may be had; and if no Goods nor Chattels can be found or shall be tendered, the Officer may attach the real Estate of such Person, to be found within his Precincts; and for want of Estate, being found or tendered as aforesaid, he shall attach the Body, and him commit to Gaol for the payment thereof, with the Costs and Charges arising thereon; there to remain until delivered by due order of Law.

If unpaid, to levy, &c.

On goods and chattels if found, if not,

On lands.

When taken, and sold.

And be it further enacted by the Authority aforesaid, That when real Estate shall be taken as aforesaid, the Officer taking the same shall proceed to sell and dispose thereof at public Auction, sufficient for the payment of such Rates of Taxes, charged against the Owner thereof, and to satisfy the legal Costs and Fees thereon.

Provide.

*Provided nevertheless*, That the Time and Place of Sale for payment of such Taxes, shall be advertised by the Collector, three Weeks in some public News-Paper in this State, at least six Weeks before such Sale: And when ever any real Estate shall be thus sold by Virtue of this Act, the Collector of such Tax or Taxes shall make and give to the Purchaser a Deed of Warranty thereof: And if the said Proprietor or Proprietors shall not within twelve Months next after such Deed is lodged in the Town Clerk's Office, pay and satisfy or tender to such Purchaser the purchase Money, together with all Costs and Charges, and double Interest thereon arising, the same shall be recorded; and thereupon the Title become confirmed to and in such Purchaser, his Heirs and Assigns forever.

All real estates subjected to the payment of taxes.

And it is further enacted by the Authority aforesaid, That all the real Estates that any one is seized and possessed of, in his own Right in Fee, within this State, shall be liable to, and stand chargeable with all the public Taxes due from the Owner thereof, and shall remain as a Lien thereon, until the same are fully paid; notwithstanding any subsequent Sale or Transfer thereof, or any Attachment thereon.

All rates to be collected and paid by the time set.

And All Collectors of Rates shall collect and pay the Rates by them to be collected according to such Time and Orders as shall be agreed upon, and determined by those who grant the Rate.

Collectors neglecting their duty. Select-men &c. may have warrants against them, &c.

And in Case any Collector or Collectors shall not perform the Trust committed unto him or them, according to Law, he or they shall be accountable for such Rate, or such Arrears thereof, so by him or them neglected to be gathered, and paid as aforesaid. And the Select-men of each Town, and the Committee of each Society or other Community, are hereby empowered to demand such Arrearages of their respective Collectors; and on Failure of Payment, may make Application to any Assistant or Jus-

tice of the Peace for a Warrant against such negligent Collector, as aforesaid, agreeable to the Direction aforesaid. And it shall be lawful for such Assistant or Justice to grant out such Warrant against the Goods, Chattels, Lands and Body of such negligent Collector, in the same Form and to be proceeded with in executing the same, in the Manner as by Law is provided for the levying of Executions.

*And to prevent Disputes that may arise respecting the Rates or Taxes arising and levied on Lands in Ecclesiastical Societies, belonging to Proprietors non-resident in such Societies, and to direct where the Payment for such Lands shall be made :*

*Be it further enacted by the Authority aforesaid,* That all Taxes arising, and that shall be levied upon Land lying in any ecclesiastical Society in this State, belonging to any such non-resident Proprietor or Proprietors, and in the same Town, shall be paid by him or them in that Society, and for and by order of that Society only to which he or they belong, and is or are Resident in, according to his or their List in the Grand Levy ; except only where such non-resident Proprietor or Proprietors have Lands lying in such other Society or Societies, and there be a tenable House or House thereon, and also a Tenant or Tenants actually living in and upon the same ; then and in every such Case the Taxes arising on such Lands in the Improvement of such Tenant or Tenants, shall be paid in the Society or Societies where such Lands lie, and Tenants live. Taxes on non resident's lands, &c. where payable, &c. When lying in the same town, and not in the same society.

*Provided nevertheless,* That where any such Society or Societies have, ever since their being first set off and constituted, Readily and uninterruptedly used and practised otherwise in paying Taxes arising on such Lands, this Act shall not be understood to affect or prejudice such a steady and uninterrupted Practice ; but the same shall be accounted a practical Agreement, and be holden good and valid accordingly ; any Thing to the contrary in this Act contained notwithstanding.

*Be it further enacted by the Authority aforesaid,* That if such non-resident Proprietor or Proprietors live in any other Town than that in which such Lands lie, he or they shall pay for the same in, and to that Society in which such Lands lie ; and that when such Lands lie in two or more Societies in any other Town than that in which such Proprietor or Proprietors live, then and in every such Case, he or they in their List annually given in, shall particularly therein mention the Sort and Quantity of his or their Lands in each of such Societies respectively, and shall pay the same in such respective Societies accordingly. Non-residents that live in other towns to pay where the Land lies.

*And whereas this Assembly have granted, and in future Cases may hereafter grant particular Taxes on the Lands lying in new Towns and Societies, for the speedy and more equal Settlement of the same :*

For the effectual collecting of which ;

*Be it further enacted by the Authority aforesaid,* That whensoever this Assembly shall grant a particular Tax to be levied on the Lands in any such Town or Society, the same shall be demanded as other Rates or Taxes by Law ought to be : And if the Owner or Owners of such Lands do not pay the Collector chosen or appointed to gather the same, such Collector may apply to some Assistant or Justice of the Peace, who shall grant him a Warrant for that Purpose ; by Force whereof such Collector may proceed to levy the Tax or Taxes not paid, in the same Manner as Town or Society Rates and Taxes are to be levied. Particular taxes to be paid as, &c.

*Always provided,* That if any Owner of Lands so taxed, be or shall be taxed greater or more than the Tax laid by the Assembly, the County Court of that County wherein such Lands lie, upon Complaint thereof made by such Owner of Lands, may grant Relief to him against such Collector, Town or Society, according to the Wrong they shall find done by such Taxing or Levying ; and tax Costs to the Person unnecessarily vexed thereby. Provido.

Provide.

*Provided also,* That if any Person or Persons shall by any Town, Society or other Community, be assessed wrongfully, or more than his or their Proportion, he or they shall have Remedy by the County Court of the same County whereto he or they belong, upon Proof made thereof; any Thing in this Act to the contrary in any wise notwithstanding.

Treasurer to include in one execution as many taxes as may be.

*And be it further Enacted,* That the Treasurer of this State, in granting Execution against any Collector of State Taxes, from whom Arrears of several Taxes are due, shall include in one Execution as many of such Taxes as Circumstances will admit, therein specifying the Sum due on each, and any other Matters respecting the same that may be necessary for directing the Sheriff in the levy of such Execution.

Collectors to keep an account of public securities received for taxes.

*And be it further enacted by the Authority aforesaid,* That in all Cases where any State Tax hath been laid or granted by the General Assembly of this State, which remains unpaid, or that in future may be laid or granted, wherein Orders drawn on the Treasurer, Soldiers Notes that are due, Certificates for the Interest of such Notes, or for Monies loaned to this State, or any other Securities, are or may be made receivable in Payment of such Taxes; it shall be the Duty of the respective Collectors of such Taxes, to keep a fair Account in Writing, of all such Orders, Notes, Certificates or other Securities received in Payment of such Taxes, therein containing an exact state of the Time when the same was received, the Name of the Person from whom, and the Sum at which the same were received, and lodge a Copy thereof with the Treasurer, duly attested upon Oath (which Oath the Treasurer is hereby empowered to administer); and if it shall appear on due Examination, that any such Order, Note, Certificate or other Security was received on Account of any such Tax, directly or indirectly by such Collector, or any other Person for his Benefit, at a Discount or lower Sum than the nominal Sum therein expressed, the Treasurer is hereby directed to allow such Collector on Settlement of such Tax, the Sum at which he received the same, and no more.

And render his account under oath.

Copy of which account to be lodged with the treasurer,

*And in order to prevent and punish Fraud and Extortion in Collectors of the public Taxes;*

Extortion in collectors how punished

*Be it further enacted by the Authority aforesaid,* That if the Collectors of any State Tax within this State, shall take or receive, directly or indirectly, of any Person or Persons, any Sum of Money, or any other Article of Value, as a Gratuity, Reward or Commission for the Payment of any Order drawn on the Treasurer of this State by the Committee of Pay-Table, or any Note or Certificate given or Order drawn by said Treasurer or the Continental Commissioner of Loans, in the same, on such Collector or Collectors, such offending Collector shall upon Conviction thereof, forfeit and pay to the Treasurer of the County where such Offence shall be committed, the full Value of such Order or Orders. And all Informing-Officers are hereby required to make due Presentment of all Breaches of the foregoing Paragraph of this Act.

All informing-officers to present, &c.

### An Act concerning Replevins.

Liberty to replevy in all cases, except, &c.

**B**E it Enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That every Man shall have Liberty to replevy his Cattle, or other Goods and Chattels, impounded, distrained, attached, seized or extended (unless it be upon Execution after Judgment, and in Payment of Fines and Rates; or for some Cause or Matter cognizable and triable before the Admiralty and Maritime Courts) provided he put in, and give good and sufficient Security to prosecute his Replevin to Effect, and to satisfy and answer such Damages, Demands and Dues as the adverse Party shall by Law recover against him.

Provide.

An Act for preventing and punishing Riots and Rioters.

**B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That when three Persons or more, shall come or assemble themselves together, to the Intent to do any unlawful Act, by Force and Violence against the Person of another; as to kill, beat, or otherwise to hurt, or against his Possession or Goods, as to break open or to pull down any House or Fence wrongfully, or to cut or take away any Corn, Grass, Wood or other Goods wrongfully, or to do any other unlawful Act with Force or Violence against the Peace, or to the manifest Terror of the People, and being required or commanded by any of the Civil Authority, or by any Sheriff or Deputy-Sheriff, or by any one more of the Select-Men or Constables of any Town where such Assembly shall be, by Proclamation to be made in the Name of this State, in the Form herein after directed, shall not disperse themselves, and peaceably depart to their Habitations or to their lawful Business; or being so assembled as aforesaid, shall do any unlawful Act against any Man's Person, Possession or Goods, or against the public Interest in any Particular, in Manner as aforesaid, and be thereof convicted by due Course of Law, before the County Court, or before the Superior Court, in the respective Counties where said Offence is committed, shall be punished by Fine, not exceeding, for each Person concerned therein, the Sum of Ten Pounds; Imprisonment, not exceeding six Months; or by Whipping, not exceeding forty Stripes: All or any of said Punishments at the Discretion of the Court that hath Cognizance of such Offences, as the Nature and Circumstances of the Facts shall require.

Three persons or more assembling to do an unlawful act, to be punished as rioters, &c.

Fine. Imprisonment. At the discretion of the court.

That the Order and Form of the Proclamation aforesaid, shall be as follows, THAT IS TO SAY, The Persons authorized by this Act shall, among, or near as he or they can safely come to said Rioters, with an audible Voice command, or cause to be commanded Silence to be whilst Proclamation is making; and after that, shall openly, and with an audible Voice make, or cause to be made Proclamation in these Words, or like in Effect viz.

Silence to be commanded.

"In the Name, and by the Authority of the State of Connecticut, I charge and command all Persons assembled, immediately to disperse themselves, and peaceably so depart to their Habitations, or to their lawful Business, upon the Pains and Penalties contained in the Act or Law of this State, entitled, An Act for preventing and punishing Riots and Rioters."

Form.

And every Assistant, Justice of the Peace, Sheriff, Deputy Sheriff, Select-man or Constable within the Limits of their Jurisdictions, are hereby authorized, empowered and required, on Notice or Knowledge of any such unlawful and riotous Assembly, to resort to the Place where such Assembly shall be, and there make, or cause to be made, Proclamation in Manner aforesaid.

Authority to resort to the place where,

Be it further enacted by the Authority aforesaid, That if such Persons so unlawfully and riotously assembled, or any three or more of them, after Proclamation made as aforesaid, shall continue together, and not disperse themselves, that then it shall and may be lawful to, and for every Assistant, Justice of the Peace, Sheriff, Deputy-Sheriff, Select-man or Constable, where such Assembly shall be, and to aid for such other Person or Persons as shall be commanded to be assisting unto any Assistant, Justice of the Peace, Sheriff, Deputy-Sheriff, Select-man or Constable, who are hereby authorized and empowered to command all Persons of Age and Ability to be assisting to them therein, to seize and apprehend, and they are hereby required to seize and apprehend such Persons so unlawfully and riotously continuing together after Proclamation made as aforesaid; and forthwith to carry the Persons so apprehended, before some Assistant or Justice of the Peace, in order to their being proceeded against according to Law.

Persons to disperse, &c. if not, to be apprehended, &c.

**Rioters killed.** And that if any of the Persons so unlawfully and riotously assembled, shall happen to be killed, or maimed, or hurt in dispersing or apprehending, or in endeavouring to disperse or apprehend them, by Reason of their Resisting the Persons so dispersing or endeavouring to disperse or apprehend them, that then every Assistant, Justice of the Peace, Sheriff, Deputy-Sheriff, Select-man or Constable, and all and singular Persons being aiding and assisting to them or any of them, shall be freed, discharged and indemnified, as well against the Public as against all and every Person or Persons whatever, of, for or concerning the killing, maiming or hurting of any such Person or Persons so unlawfully and riotously assembled, that shall happen to be so killed, maimed or hurt as aforesaid.

**Persons assisting in quelling the riot, indemnified.**

**Provido.**

*Provided always, And be it further enacted by the Authority aforesaid, That if any Person or Persons do, or shall with Force, and Arms, wilfully and knowingly oppose, obstruct, or in any Manner wilfully and knowingly let, hinder, or hurt any Person or Persons that shall begin to proclaim, or go to proclaim according to the Proclamation hereby directed to be made, and be thereof convicted by due Course of Law, shall forfeit, suffer, or be punished in Manner and Form as aforesaid.*

**Any number not less than three not dispersing, &c. to be punished, &c.**

And that also every such Person or Persons so being unlawfully and riotously assembled, to the Number of Three, as aforesaid, or more, to whom Proclamation should or ought to have been made, if the same had not been hindred, as aforesaid, shall likewise, in Case they, or any of them to the number of Three or more, shall continue together, and not immediately disperse themselves after such Let or Hindrance so made, having knowledge of such Let or Hindrance so made, and be thereof convicted by due Course of Law, shall forfeit, suffer, or be punished in Manner and Form as aforesaid.

**Provido.**

*Provided always, That no Person or Persons shall be prosecuted by Virtue of this Act, for any Offence or Offences committed contrary to the same, unless such Prosecution be commenced within twelve Months after the Offence committed.*

**An Act for restraining, correcting, suppressing and punishing Rogues, Vagabonds, common Beggars, and other lewd, idle, dissolute, profane and disorderly Persons; and for setting them to work.**

**Preamble.**

*WHEREAS there are frequently divers Persons who wander about, and are vagabond, idle, and dissolute Persons, begging and committing many Intolerances; and many are guilty of profane and evil Discourse, and other Disorders, to the corruption of Manners, the promotion of Idleness, and the detriment of good Order and Religion.*

For preventing of which, and for the better Regulation of such evil and disorderly Persons, and punishing such Rudeness and Misbehaviour:

**Work houses how to be provided.**

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That in order there may be erected, built, or otherwise provided in each of the respective Counties in this State, at the Charge of the said Counties respectively, a fit and convenient House or Houses of Correction, to be used and improved for the receiving, keeping, setting to work, and correcting of Rogues, Vagabonds, common Beggars, and other idle, dissolute and disorderly Persons;—the Judge of the County Courts in each County respectively, by and with the Advice of said Court, is hereby empowered to summon the Civil Authority, viz. the Assistants and Justices of the Peace in said County, to meet at such Time and

**Judge of county court to summon the civil authority.**

Place in said County as he shall appoint for that Purpose, or other Matters proper for them to consider and determine: And if the major Part of the Civil Authority, so convened for that Purpose, shall agree upon and determine that such a House or Houses shall be erected, built or provided, and also determine the Place where the same shall be fixed; in that Case said County Courts respectively are hereby authorized, impowered and directed forthwith to erect, build, or otherwise provide, such House or Houses of Correction as aforesaid, and transmit to the General Assembly from Time to Time, an Account of their Proceedings therein, until such House or Houses are finished: Unless in any County there be such a House or Houses already provided; in which Case the County Court of that County, are required forthwith to put the same in good Repair and Order, and to transmit the Account thereof to the General Assembly as aforesaid.

Major part to determine and fix the place.

County court to proceed to build, &c.

Or put in repair.

*And the better to enable the said County Courts to do the same;*

*Be it further enacted by the Authority aforesaid,* That the said County Courts be, and they are hereby fully authorized and impowered to assess and tax the Inhabitants of the County to which said Court belongs, in such Sum or Sums as the Court shall judge needful for the Purpose aforesaid: And for the collecting such Tax or Assessment, to appoint a Collector or Collectors, and them to authorize and empower, by Warrant or Warrants of Distress, signed by the Clerk of said Court, to levy and collect the same; which Collectors shall have the same Authority, and be under the same Regulations and Penalties as other Collectors by the Laws of this State, have, and are subject unto.

To tax the county.

*Be it further enacted by the Authority aforesaid,* That the said County Courts respectively, shall and may nominate and appoint some honest fit Person to be Master of said House of Correction or Work-House, and also one or two able and discreet Persons to be Overseers; and the said County Courts shall order and direct such Overseer or Overseers (as soon as may be) to procure proper Materials to the amount of Fifteen Pounds, for each Work-House; and shall deposit the same in some convenient and safe Place, to be used and improved according to such Rules and Orders as shall from Time to Time be given by said Courts respectively; and the said County Courts are hereby authorized to draw on the State Treasurer for the aforesaid Sum, to enable the Overseers to procure the Materials suitable to work with and upon; and shall from Time to Time, give such Orders for the regulating and governing such Work-Houses, as they shall think proper, according to Law. And the said Overseers shall from Time to Time, as there may be need, provide the necessary Materials for all Persons committed thereto, to work with and upon; for which they shall be paid out of the County Treasury; and the same shall be drawn in and repaid to such Treasury according to the Direction and Provision herein after made.

To appoint masters and overseers.

To provide materials &c.

County court to draw on state treasury, &c.

: And the said Overseers shall from Time to Time, order and direct the Masters of the Work-Houses, in the Government and Regulation, as well as in the correcting and keeping to work the Persons thereto committed, according to Law. Which overseers shall render their Account to the County Court, from Time to Time, and shall have and receive such Allowance and Reward for their Services as said Court shall judge just and reasonable.

Overseers to direct the Master.

Allowance.

*And it is further enacted and provided,* That the County Courts of any two Counties, may, and are hereby impowered to agree together to build one House of Correction, if the same may be convenient for both Counties; and to proceed therein in such Form, Manner and Proportion as they shall agree; and each County Court to tax their respective Counties as aforesaid. Provided always, the previous Consent of the major Part of the Civil Authority in said Counties respectively, to build the same, be first had and taken, as before directed.

Two counties may join, &c.

And the Authority of that County, uniting to build as aforesaid, wherein such House happens not to be, shall have as full Power and Authority to find and commit any Person or Persons to such House, as the said Authority would by Law have, were the said House within the County to which they belong.

Rogues, &c.  
to be sent to  
the work-  
house, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for an Assistant or Justice of the Peace, in the respective Counties, and they are hereby fully authorized and empowered to send all Rogues, Vagabonds, Sturdy Beggars, and other lewd, idle, dissolute, profane and disorderly Persons, that have no Settlement in this State, to such Work-Houses, and order them to be kept to hard Labour, under the Rules and Regulations of said House, until released by order of Law.

Juglers, &c.

Also all Persons using, or pretending to use any subtil Craft, Jugling, or unlawful Games or Plays, or feigning themselves to have Knowledge in Physiognomy, Palmistry, or pretending they can tell Destinies, Fortunes, or discover where lost or stolen Goods may be found,

Pipers, &c.

Also common Pipers, Fiddlers, Run-aways, Sabbath Servants or Children, common Drunkards, common Night-walkers, Pilferers, wasters and infectious Persons, either in Speech or Behaviour, common Railers or Brawlers.

Profane, &c.

Also such as are guilty of reviling and profane Speaking, or neglect their Callings, mispend what they earn, and do not provide for themselves, or the Support of their Families, upon due Conviction of any of the Offences or Disorders aforesaid.

Distracted,  
&c.

Also Persons under Distraction, and unfit to go at large, whose Relations or Friends do not take Care for their safe Confinement.

Thieves.

Be it further enacted by the Authority aforesaid, That in addition to the Punishment of Theft already by Law provided, if the Conviction for Theft be before an Assistant or Justice of the Peace, the Person convicted shall be sentenced, and accordingly committed by such Authority to the Work-House, or House of Correction, there to be kept to hard Labour; on the first Conviction, not less than one Month, and not exceeding three Months; on the second Conviction, not less than one Year, and not more than three Years.

And in Case the Conviction for Theft shall be before the County Court, the Person convicted, shall, by said Court, be sentenced and committed to the House of Correction, to labour as aforesaid; for the first Offence at least six Months; and so for a longer Time, as said Court before whom the conviction is had, shall think proper and determine, having Respect to the Circumstances and Aggravations of the Offence, and the Number of Convictions had.

Provido.

Provided nevertheless, That no Person convicted of Theft, shall on the first Conviction, be sentenced or committed to the Work-House, or House of Correction, on that Account, unless the Person convicted be of the Age of twenty-one Years, or upwards; and also be in the Opinion of the Court before whom the Conviction is had, a Rogue, Vagabond, common Beggar, or a lewd, idle, profane or disorderly Person; any Thing in this Act in any wise contained notwithstanding.

Charges for  
theft, how  
paid, &c.

Be it further enacted by the Authority aforesaid, That the Charges of prosecuting Persons for Theft, upon their Conviction before the County Court, shall be answered and paid out of the County Treasury of that County wherein the Prosecution and Conviction shall be; and that for refunding the same, one Half of the treble Damages recovered of the Person convicted, shall be and belong to the said County Treasury. And in Case the Earnings of such convicted Person's Labour in the Work-House, clear of all lawful Deductions, be not sufficient to pay the Charge of his Prosecution, and the said treble Damages, and he hath no Estate to satisfy the same, he shall be disposed of in Service to answer the same,

order Remains thereof, according as the Law has provided and directed in such Cases.

*Be it further enacted,* That when any Person shall be committed to any House of Correction, or Work-House, in Case he or she belong not to any Town in this State, suitable Materials, such as are necessary and convenient for keeping such Persons to work during their abode there, shall be paid for out of the State Treasury. And in Case he or she belongs to any Town in this State, then such Materials as aforesaid, shall be provided at the Charge of said Town; and the Select-men of the said Town shall deliver the same to the Master of such House, or be accountable to him for the Charge and Expence thereof, and assist the Inhabitants for the same. And when any stubborn Children or Servants shall be sent thither as aforesaid, the aforementioned Materials shall be provided at the Charge of their Parents or Masters (if able) during their abode in such Work-House.

Materials how found & paid for

Stubborn children

And such Person committed as aforesaid, shall be allowed out of their Earnings, but two thirds thereof, for their Support and making Satisfaction for the Charge expended in bringing in and furnishing Materials; and the Overplus of such Earnings, to be to the Master of the House to account for.

Allowance

And if such Persons are Masters, or Heads of Families, then and in such Case the whole Profit and Benefit of their Labour, or so much thereof as the County Court of that County where such Persons are committed shall think necessary, and direct, shall be for the relief and support of their Families.

Masters of families committed. Allowance on their families.

And if any Person or Persons committed to said House of Correction shall be unable to Work, or be weak or sick, then to be relieved by the Master or Keeper of such House, who shall be again reimbursed what he shall so necessarily expend for the Relief of such Person or Persons, out of the public Treasury of this State, if the Person belong not to any Town within the State; and if the Person belongs to any Town in this State, then by the Select-men of that Town; And the Select-men may assist the Inhabitants of such Town to answer the same; except such Persons being weak or sick as aforesaid, were at the Time of their Commitment in their Minority, and under the care of Parents or Masters; then and in every such Case the Parents or Masters of such Persons shall reimburse what necessary Charges the Master or Keeper of such House of Correction shall necessarily expend for their Relief.

Unable to work how relieved.

*Be it further enacted by the Authority aforesaid,* That the Master or Keeper of each House of Correction, shall be allowed for his Care, Labour and Service, in looking after those committed to his Care, and for relieving them, who shall happen to be sick or weak, such reasonable Satisfaction, to be made by the County, Select-men, Parents or Masters, at the County Court shall direct and appoint, if the Earnings of such Person or Persons shall not be sufficient to discharge the same, over and above what is allowed them out of their Earnings, for their Relief.

Allowance to the master.

And the Master or Keeper shall keep an exact Account of all Profits and Earnings that shall be made by the Labour of those under his Custody, from Time to Time, and present the same (upon Oath if required) unto the County Court in such County; out of which Earnings the said Master or Keeper of such House shall have his Allowance; and also a Compensation to said Overseer or Overseers for their Trouble as aforesaid, as said Court shall think proper and order; and until the Earnings as aforesaid, shall produce a sufficiency for said Purpose, what is wanting shall be made up out of the County Treasury, to be refunded out of the Overplus of the after Earnings.

Master to keep account, &c.

And the Master or Keeper of such House that shall refuse to account as aforesaid, or shall otherwise be negligent of his Duty required by this Act, shall be liable to such Fine or Punishment as said County Court shall order and direct.

Penalty for neglect.

**Masters' duty.** *Be it further Enacted, That the Masters or Keepers of such Houses of Correction respectively, shall receive all such Persons as shall be sent there as aforesaid, and shall keep them to such Labour as they are capable of and able to perform, for such Time as they shall be ordered to continue and remain in such House; and punish them (if need be) by putting Fetters or Shackles upon them, and by moderate Whipping, not exceeding ten Stripes at one Time; which (unless the Warrant of Commitment do otherwise direct) shall be inflicted at their first Entrance; and from Time to Time, in Case they be stubborn, disorderly or idle, and do not perform their Task, and that in good Obedience, according as they shall be reasonably fitted; or else may abridge them of their Food, as the Cause shall require, until they be reduced to better Order and Obedience: Said Masters however, from Time to Time taking and observing such Orders and Directions as the Overseer or Overseers shall give therein.*

**Abfconding**  
to be  
returned, &c.

*And be it further Enacted, That if any Person or Persons, committed to said House of Correction, shall unlawfully abscond, or make his Escape therefrom, or depart without the Licence of the Master of said House, they shall on being returned to said House again, be corrected by Whipping on the naked Body, not exceeding thirty Stripes for one Offence; and so until quiet: Which Corrections the Master shall be careful to see duly performed:*

**Gaols to be**  
work houses  
until, &c.

*And be it further enacted by the Authority aforesaid, That the several Gaols in the respective Counties, shall be, and they are hereby made to be Work-Houses, or Houses of Correction; to be used and improved according to the Directions and Orders before in this Act respecting Houses of Correction and the Government thereof, until there shall be such House or Houses of Correction built, as aforesaid.*

**Gaols to be**  
work houses  
&c.

*And the Keeper of the Gaols for the Time being, or such as they respectively shall appoint, shall be the Masters or Keepers of such Gaols, as Houses of Correction, and shall have the same Authority and be under the same Regulations as is before in this Act given and provided respecting Houses of Correction. And all Persons ordered to be sent to a House of Correction according to this Act, shall be sent to and received into such Gaols, and there be kept, taken Care of, and governed according to the Directions of this Act, until such House or Houses shall be provided as aforesaid; any Thing before in this Act notwithstanding.*

**Persons or-**  
dered to  
work house  
to be sent to  
gaol until, &c.

## An Act for laying and collecting Duties on the Importation of Rum.

**Duty of two-**  
pence per  
gallon on all  
rum imported.

*Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That all Masters of Vessels, or other Persons importing any Rum into this State, shall pay to some Naval Officer, for the use of this State, Two-pence per Gallon for every Gallon of Rum by such Master or other Person imported as aforesaid.*

**Waftage al-**  
lowed.

*And all such Masters or Importers of Rum as aforesaid, shall be allowed for Waftage five per Cent. for Rum imported directly from the West-Indies, and two per Cent. for Rum imported from the neighbouring States: And whenever it shall happen that the said Master or Importer shall not have the ready Money to pay the Duties aforesaid, he shall become bound to the Treasurer of this State, in a Bond double the Amount of said Duties, conditioned for the Payment of said Duty with Interest, in two Months then next coming.*

**Bond to be**  
given for the  
duties, &c.

**Rum forfeited**  
in case the  
duties are un-  
paid.

*Be it further enacted by the Authority aforesaid, That all Rum as shall be imported or brought into this State, and landed or offered to Sale in any of the Roads, Harbours, Creeks or Rivers thereunto belonging, without first paying or securing the Duty as aforesaid, shall be forfeited, the one Half to the*

Informance, then shall prosecute to Effect, and the other Half to the State Treasurer, for the Use of this State.

And whosoever any Person shall inform any Assize or Justice of the Peace, of the Breach of this Order, he shall forthwith grant a Writ to the Sheriff or Constable, commanding them to make diligent Search for the same, with Power (if need be) to break open any House, Vessel, Ware House or Store, to make Search in any suspected Place, and to seize the said Rum, and secure the same till the next County Court in the County where it shall be taken: who shall declare the same to be forfeited, and dispose thereof for the Use aforesaid: Unless the Owner thereof shall produce a Certificate from the Naval-Officer, that the Duty laid by this Act has been actually paid for the same, according to the true and Meaning thereof; and make Oath that the Rum for which the Certificate is produced, is the very Rum for which the Duty has been paid; or otherwise, show to the Satisfaction of the Court that the Duties laid by this Act have been truly paid.

*And for the more effectual collecting the said Duty;*

It is further enacted by the Authority aforesaid, That all Masters of Ships and other Vessels, as well open Boats as others, coming into any Harbour, Port, Creek or River within this State, from beyond Sea, or from any other Place out of this State, shall make Report to some Naval-Officer of this State, of the Contents of the Loading of such Ship or Vessel; which Report such Master shall give in to the Naval-Officer under his Hand; and shall therein set down and express the Quantity of Hogheads, Tierces, Barrels or other Casks of Rum laden on Board such Ship or Vessel, with the Marks and Numbers thereof; and to whom the same is consigned: And also make Oath thereunto in the following Manner:

**YOU A. B. swear that the Report or Manifest of the Contents of your Loading, by you produced under your Hand, contains a just and true Account, to the best of your Knowledge, of the whole Loading taken on board and imported in your Vessel, from the Port or Ports said Vessel came from; and that you have not broken Bulk, nor delivered any of the Rum laden on said Vessel, directly or indirectly; and that if you shall know of any more Rum to be imported therein, before the Landing thereof, you will cause it to be added to your Manifest.**

So help you GOD.

Which Oath the said Naval Officer is hereby impowered to administer; after which such Master may unload, and not before, on pain of forfeiting the Sum of Fifty Pounds, to be paid by each Master that shall neglect his Duty in this behalf.

It is further enacted by the Authority aforesaid, That no Rum shall be landed on any Wharf, or in any Ware-house or other Place, but in the Day Time only, and that after Sunrise, and before Sunset; unless in the Presence of, or with the Consent and Permission of the Naval Officer to whom the Duty is payable, on pain of forfeiting all such Rum, and the Lighter, Boat, or Vessel out of which the same shall be landed, or put into any Ware-house or other Place.

And if any Person or Persons shall not have, and produce, an Invoice of the Number of Casks of Rum, by him or them imported, or to him or them consigned, and make Oath to the same, as is before in this Act provided, then the Cost wherein the same is, shall be gauged at the Charge of the Importer; that the Quantity thereof may be truly known.

That the Master of any Ship or other Vessel, importing any Rum, shall be liable to, and shall pay the Duty for such, and so much thereof contained in his Manifest as shall not be duly entered nor the Duty paid for the same by the Port or Persons to whom such Rum is or shall be consigned.

And it shall and may be lawful for the Master of any Ship or Vessel, to secure and detain in his Hands, at the Owners Risque; all such Rum as

How to secure themselves.

ported in such Ship or Vessel, until he shall receive a Certificate from the Naval Officer to whom he delivered his Manifest, that the Duty for the same is paid, and until he be repaid his necessary Charges in securing the same, or such Master may deliver such Rum, as is not entered as aforesaid, unto the Naval Officer in such Port, or his Order; who is hereby impowered and directed to receive and keep the same, at the Owner's Risque, until the Impost thereof with the Charges, be paid, and then to deliver such Rum as such Master shall direct.

Naval-officer to sue, &c.

*Be it further enacted by the Authority aforesaid,* That the Naval Officer or receiver of the Duty, or Impost, in each Port, shall be, and is hereby impowered to sue the Master of any Ship or Vessel, for the Impost or Duty, for so much of the Rum, imported therein according to the Manifest by him given upon Oath, as aforesaid, as shall remain not entered, and the Duty or Impost thereof not paid by the Person to whom it is consigned as aforesaid.

Vessel liable, &c.

And that the Ship or Vessel, with her Tackle and Appurtenances, the Master of which shall make Default in any Thing by this Act required to be performed by him, shall be liable to make good the Sum or Sums forfeited by such Master, according to this Act, for any such Default; as also to make good the Impost or Duty for any such Rum, not entered as aforesaid: And upon Judgment against such Master, the said Ship or Vessel, or so much of the Tackle or Appurtenances thereof as shall be sufficient to satisfy said Judgment, may be taken in Execution for the same.

Naval-officer to make seizure, &c.

And the Naval Officer or Receiver of the Impost is hereby impowered to make Seizure of such Ship or Vessel, and detain the same, under Seizure until Judgment be given in any Suit to be commenced and prosecuted for any of the said Forfeitures, or Impost, to the Intent that if Judgment be rendered for the Prosecutor or Informer, such Ship or Vessel, and Appurtenances may be exposed for Satisfaction thereof, as is before provided; unless the Owners, or some on their behalf, for the releasing of such Ship or Vessel from under Seizure or Restraint, shall give sufficient Security to the Naval Officer that Seized the same, to respond and satisfy the Sum or Value of the Forfeiture and Duties, with Charges, that shall be recovered against the Master thereof, upon Suit to be brought for the same as aforesaid.

Owner to sue the master, &c.

And the Master occasioning such Loss and Damage unto his Owners, through his Default or Neglect, shall be liable unto their Action for the same.

Bills of store to be allow'd.

And the Naval Officers, or Receivers of the Impost, in the several Ports of this State, are hereby impowered to allow Bills of Store to the Master of any Ship or Vessel, importing any Rum for such private Adventures as shall *Bona Fide*, belong to the Master, or Seamen of such Ship, or other Vessel, at the Discretion of the said Naval Officer; not exceeding *two per Cent.* of the Loading: And the Duties payable for such Rum in such Bills of Store mentioned and expressed shall be abated.

Forfeitures how disposed of.

And the Naval Officers shall be allowed *five per Cent.* on all Monies they shall collect and pay in to the Treasury of this State, on Account of the Duties collected by them by Virtue of this Act.

Who to prosecute, &c.

*And be it further enacted by the Authority aforesaid,* That all Penalties and Forfeitures accruing, or arising by Virtue of this Act, shall be one Half to the Treasurer of this State for the Use of the State; and the other Half to him or them who shall seize, inform and sue for the same, by Action, Bill, Pleint, or Information, in any Court of Record: The whole Charge of Prosecution to be taken out of the Half belonging to the Informer.

And all Naval Officers, Sheriffs, Constables, and Grand-jurors, are hereby strictly charged to make diligent Enquiry after, and make true Information of all Breaches of this Act.

An Act for the due Observation of the Sabbath or Lord's-Day.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That all and every Person and Persons in this State shall, and they are hereby required, on the Lord's-Day carefully to apply themselves to duties of Religion and Piety, publicly and privately: And whatsoever Person shall not duly attend the public Worship of God on the Lord's-Day in some Congregation allowed by Law, provided there be any on which he can conscientiously and conveniently attend, unless hindered by Sickness, or otherwise necessarily prevented, shall for every such Offence, pay a Fine of *Three Shillings*, and being presented to Authority shall be deemed guilty thereof, if such Person shall not be able to prove to the satisfaction of such Authority, that he or she has attended the said Worship.

All persons to apply themselves on the sabbath to duties of religion, and to attend public worship.

Provido.

That no Person or Persons whatever shall keep open his or her Shop, Warehouse or Work-house; nor shall upon Land or Water, do any Manner of secular Business, Work or Labour, (works of Necessity and Mercy excepted) nor be present at any Concert of Music, Dancing, or any public Diversion, Shew, or Entertainment, nor use any Sport, Game, Play or Recreation on the Lord's-Day, or any Part thereof, upon Penalty that every Person so offending shall pay a Fine not exceeding *Twenty Shillings*, nor less than *Ten Shillings*.

No secular business to be done, nor diversion.

on penalty.

That no Traveller, Drover, Waggoner, Teamster or any of their Servants shall travel on the Lord's-Day, (except from Necessity or Charity) on Penalty of forfeiting a Sum, not exceeding *Twenty Shillings*, nor less than *Ten Shillings*.

Not to travel

And that no Persons shall convene and meet together in Company or Companies in the Streets or elsewhere, nor go from his or her Place of Abode on the Lord's-Day, unless to attend upon the public Worship of God, or some work of Necessity or Mercy, on Penalty of *Five Shillings*.

Not to convene in companies in the streets, &c.

That no Innholder or other Person keeping any public House of Entertainment, shall entertain, or suffer any of the Inhabitants of the respective Towns where they dwell, or others, not being Strangers or Lodgers in such Houses, to abide or remain in their Houses, or any of the Dependencies thereof, drinking or idly spending their Time on Saturday Night after sunset, or on the Lord's-Day, or on the Evening following, upon the Penalty of *Five Shillings*; and also every Person that shall be found there so spending his Time or Drinking, shall forfeit the Sum of *Five Shillings*.

Not to frequent taverns &c.

Provided, That all Presentments or Informations against any Person or Persons for any of the forementioned Offences, be made within one Month after the Commission thereof.

Provide.

That no Warning or Notification of any Meeting or Business of a secular Nature, shall be set up or fixed on the Door or other Part of any Meeting-House for public Worship, so as to remain there on the Lord's-Day, or any Fast or Thanksgiving-Day, on Penalty of *Five Shillings*, to be paid by the Person who shall have set up the same, or ordered it to be set up.

Notifications of secular officers not to be set up on meeting-house doors, &c.

And it shall be the Duty of the Grand-jurors, Constables and Tithingmen in such Towns, to pull down and destroy the same.

Duty of grand-jury-men, &c.

That no Vessel shall unnecessarily depart out of any Harbour or Port, Creek or River, within this State, on the Lord's-Day, or sail or pass by any Town or Society on *Connecticut-River*, where the public Worship of God is maintained, nor weigh Anchor within two Miles of such Place, unless to get nearer thereto, on the Lord's-Day, any Time between the Morning-light and the Setting-sun, on Penalty that the Master of every such Vessel shall, for every such Offence, forfeit *Thirty Shillings*.

No vessel to sail, &c. unless, &c.

That if any Person or Persons, either on the Lord's-Day, or any other

Penalty for disturbing public worship.

Time, shall wilfully interrupt or disturb any Assembly of People met for the public Worship of God, within the Place of their assembling, or out of it; each Person so offending shall pay a Fine not exceeding *Ten Pounds*, nor less than *Twenty Shillings*.

Indecent behaviour how punished.

And any Person who shall behave rudely or indecently, within the House where any Congregation are met for public Worship, shall pay a Fine not exceeding *Forty Shillings*, nor less than *Five Shillings*.

No civil process allowed.

And if any civil Process shall be issued or served on the Lord's Day, it shall be void and of no Effect: And the Officer who shall serve the same on said Day, shall pay a Fine of *Ten Shillings*, and all Damage that shall accrue to any Person thereby.

Tithingmen.

And be it further enacted by the Authority aforesaid, That each Town in this State, at their annual Meeting in December, shall chuse two or more Tithing-men, in each Society for Divine Worship in such Town, who shall be sworn to a faithful Discharge of the Office.

Grand-jurors

That the Grand-jury-men, Constables and Tithing-men of each Town, shall carefully inspect the Behaviour of all Persons on the Sabbath or Lord's Day; and especially between the Meetings for divine Worship on said Day, whether in the Place of such public Worship or elsewhere; and due Presentment make of any profanation of the worship of God on the Lord's-day, or any Day of public Fast or Thanksgiving; and of every Breach of Sabbath, which they, or any of them shall see or discover any Person to be guilty of, to the next Assistant or Justice of the Peace, who is hereby empowered to proceed therein as the nature of the Offence requires.

Their allowance.

That every Grand-jury-man, Tithing-man, or Constable shall be allowed *Three Shillings per Diem*, for each Day he spends in prosecuting such Offenders, to be paid by the Person offending, or the Parent, Guardian, or Master of such Person when under Age: And all Fines imposed for the Breach of this Act on Minors, shall be paid by their Parents, Guardians, or Masters, if any be, otherwise such Minor to be disposed of in Service to answer the same. And upon refusal or neglect of paying such Fines and Costs, the Offender may be committed; unless he be a Minor, in which Case Execution for the Fine and Cost shall be issued against his Parent, Guardian or Master, after the Expiration of one Month next after the Conviction of such Minor, and not sooner.

Persons refusing to pay charge to be committed.

Provido.

Provided, No Person prosecuted on this Act, shall be charged with more than for one Person prosecuting him for such Offence.

Neglecting to pay fine to be whipt.

That whatsoever Person shall be convicted of any Profanation of the Lord's Day, or of any Disturbance of any Congregation allowed for the Worship of God, during the Time of their assembling for, or attending on such Worship, and shall, being fined for such Offence, neglect or refuse to pay the same, or to present Bonds for that Purpose; the Court, Assistant or Justice before whom Conviction is had, may Sentence such Offender to be whipt, not exceeding twenty Stripes; respect being had to the Nature and Aggravation of the Offence.

No appeal.

That no Person convicted of any Offence mentioned in this Act, shall be allowed any Appeal.

Children, &c. to be corrected by their parents, &c. or.

But if any Children or Servants under the Age of fourteen Years, shall be convicted of such Profanation or Disturbance, they shall be punished therefor by their Parents, Guardians or Masters giving them due Correction in the Presence of some Officer, if the Authority so appoint, and in no other way; and if such Parent, Guardian or Master shall refuse or neglect to give such due Correction, that every such Parent, Guardian or Master shall incur the Penalty of *three Shillings*.

Assistant and Justices upon view & apprehend, &c.

And be it further enacted by the Authority aforesaid, That every Assistant in this State, and every Justice of the Peace, within the Limits of their Authority, are hereby empowered and directed, when they have plain View,

or personal Knowledge thereof, either with or without a written Warrant, to cause all Persons unnecessarily travelling on the Sabbath or Lord's-Day to be apprehended, and to examine them, and if need be to command any Person or Persons to seize, arrest, and secure any such Person unnecessarily travelling on the Lord's-Day, as aforesaid, and them to hold till Judgment may be had thereon.

And every Sheriff, Constable, Grand-jury-man, and Tything-man, are hereby impowered and directed, without Warrant, to apprehend and carry before the next Assistant or Justice of the Peace, all Persons transgressing said Law, as aforesaid. Provided they be taken upon Sight, or present Information of others and to command all necessary Assistance therefor.

Constables,  
&c.

Proviso.

And it is further enacted by the Authority aforesaid, That every Person or Persons that shall refuse to obey the command of any Assistant, Justice of the Peace, Sheriff, Constable, Grand-jury-man or Tything-man, or neglecting to afford his utmost Assistance to apprehend and secure any Person transgressing said Act as aforesaid, shall be, and hereby are subjected to the same Pains and Penalties as by Law Persons are subjected to for refusing to assist Sheriffs and Constables in the Execution of their Office.

Penalty for  
such as diso-  
bey to assist,  
&c.

And it is further enacted by the Authority aforesaid, That when any Sheriff, Constable, or indifferent Person shall receive any Warrant from lawful Authority to apprehend any person for transgressing said Law, as aforesaid, they are hereby impowered, and directed to, pursue and apprehend such Person or Persons, any where within the limits of the Authority of such Officer granting such Warrant: Any Law, Usage, or Custom to the contrary notwithstanding.

Sheriff, &c.  
to pursue, &c.

## An Act for appointing, encouraging, and supporting Schools.

**B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That every Town within this State, wherein there is but one Ecclesiastical Society, and wherein there are seventy Householders, or Families, or upwards; and every Ecclesiastical Society constituted, or that shall be constituted by the General Assembly of this State, wherein there are the Number of seventy Householders or Families, or upwards, shall be at least eleven Months in each Year constantly provided with, and shall keep and maintain one good and sufficient School for the teaching and instructing of Youth and Children to read and write; which School shall be steadily supplied with and kept by a Master sufficiently and suitably qualified for that Service.

Every society  
of 70 families  
to keep school  
11 months in  
a year at least.

And every such Town and Society wherein there is not the said Number of seventy Householders or Families, shall be provided with, and maintain a School and a School-Master, as aforesaid for the Purpose aforesaid, at least one Half of the Year annually.

Under that  
number half a  
year.

And also there shall be a Grammar School set up, kept and constantly maintained in every head or County Town of the several Counties that are, or shall be made in this State; which shall be steadily kept by some discreet Person of good Conversation, and well skilled in and acquainted with the learned Languages, especially Greek and Latin.

Gram mar  
school to be  
kept in each  
town.

And every such Town and Society are hereby impowered to appoint Committees for such Schools respectively, to take Care and see the same kept accordingly.

Committees  
appointed.

And for the Encouragement and Maintenance of such Schools and School-Masters. Be it further enacted by the Authority aforesaid, That the Treasurer of this State shall annually deliver the Sum of forty shillings upon every thousand

School ma-  
sters how  
maintained.

*Pounds* in the Lifts of the respective Towns in this State, and proportionably for lesser Sums, out of the Rate of each Town, as the same shall be brought in to the public Treasury by the several Constables, in such Money, or Bills of Public Credit, as the Rate shall be paid in ; out of which the same is to be taken, unto the School Committees ; or for Want of such Committees, to the Select-men of said Towns respectively, to be by them distributed to the several Societies in each Town for the Benefit of their respective Schools, in Proportion to the Lifts in said Society.

Proviso.

*Provided*, The said School Committees or Select-men shall deliver their Certificates, that there hath been a School kept in each of the Towns and Societies they desire to take the Money out for, in the preceeding Year, according to this Act.

Preamble.

And Whereas the several Towns, and Societies in this State, which made and computed Lifts of their Polls and rateable Estate in the Year of Our Lord *One Thousand seven Hundred and Thirty two* ; by Virtue of an Act of this Court, made in *May, One Thousand seven Hundred and Thirty-three*, received by their Committees respectively, for that Purpose appointed, considerable Monies, or Bills of public Credit, raised by the Sale of certain Townships laid out in the western Lands, then so called, (for which Receipts were given and lodged in the Secretaries Office) to be let out, and the Interest thereof used for the support of the respective Schools aforesaid, for ever, and to no other Use.

Preamble.

And Whereas certain Sums of Money have likewise been received by the several Towns and Societies in this State, by Virtue of an Act of this Court, made in *October, One Thousand seven Hundred and Seventy-four*, directing the Treasurer to pay out of the public Treasury to the several Towns, the principal Sums paid in by them as Excise Money, together with the Interest due at the Time of Payment, taking a Receipt therefor, appropriating the same, solely to the Use of the respective Schools.

School money misap-  
plied forfeited

*Be it therefore enacted by the Authority aforesaid*, That if at any Time after the Receipt of said Monies aforesaid, or if at any Time hereafter, the said Monies, or Interest thereof, hath been or shall be, by order of such Town or Society, or the Committees chosen by them, put to, or employed for any other Use than for the support of a School, as aforesaid, such Sum of Money received as aforesaid, shall be returned into the State Treasury ; and the Treasurer of this State, upon Refusal thereof, shall recover the same Sum or Sums of such Town or Society, for the Use of the State.

And such Town or Society that misapplies such Money, shall forever lose the Benefit thereof.

Further pro-  
vision made.

That where, in any Town or Society, there is not a sufficiency of Money or Interest provided in the Manner aforesaid, or by charitable Donations, or Sequestrations, or any other Ways procured for the maintenance of a School as aforesaid, therein, and a suitable School-Master to keep the same, a sufficient Maintenance shall be made up, the one Half by the Inhabitants of such Town or society, and the other Half thereof by the Parents or Masters of the Youth or Children that go to such school ; unless any Town or society shall agree otherwise ; which they are hereby empowered to do.

Towns & so-  
cieties may  
tax, &c.

And every such Town and society by their Vote, shall have full Power to grant Rates for the support of such school, and choose a Collector to gather and collect such Rates. And what such Town or society shall agree upon and enact respecting the Encouragement and support of the school aforesaid, among themselves, shall be obligatory upon the whole Town or society, and every Member therein.

To divide in-  
to districts.

*And be it further enacted and provided*, That each Town and society, shall have full Power and Authority to divide themselves into proper and necessary Districts, for keeping their Schools, and to alter and regulate the same,

from Time to Time, as they shall have Occasion ; which Districts so made, shall draw their equal Proportion of all the public Monies appropriated for the support of Schools, belonging to such respective Towns or Societies, according to the List of each respective District therein.

*And that the good Ends proposed in creating and keeping Schools, may not be defeated ;*

*Be it further enacted by the Authority aforesaid, That the Civil Authority, together with the Select-men in every Town, or the major Part of them, shall inspect and they are hereby impowered and directed, as Visitors, to visit and inspect the state of all such Schools as are by this Act appointed to be kept within said Towns, from Time to Time, and particularly once each quarter of a Year, at such Time as they shall think proper, and enquire concerning the Time such Schools are kept, and into the Qualifications of the Masters of such schools together with the Proficiency of the Children under their Care : And they are to give such Directions as they shall find needful, to render such schools most serviceable for the increase of Knowledge, Religion and good Manners : And if the said Inspectors or Visitors observe any such Disorders or Misapplication of public Money, allowed for the support of such schools, as will be likely to defeat the good Ends proposed, they shall lay the same before this Assembly, that proper Orders therein may be given.*

Civil authority & select-men inspectors.

*And that all Estates and Interests, granted and sequestered for the Support of the Schools in this State, may be truly and properly improved for that Purpose :*

*Be it further enacted by the Authority aforesaid, That the select-men of such Towns wherein there is but one Ecclesiastical society, and the society Committee of such societies where there are more than One in any Town, (for the Time being) or a Committee by such Town or society for that Purpose appointed, (which Committee such Town and society are hereby impowered to appoint) shall be, and they are hereby impowered and directed to take Care of, and improve such Bonds and Monies as have been divided and set out to such Town or society, out of the Monies raised by the sale of the said Townships, or other ways, and to receive such as shall hereafter be divided to them, for the Purpose aforesaid, giving Receipts therefor, to be lodged in the Secretary's Office ; and of their Improvement thereof, shall from Time to Time be accountable to the Town or Society, by whom they are or shall be appointed ; And such Town and Society shall be accountable for the same before this Assembly, when thereto required, and be liable to be dealt with for their Misuse of the same, according to the Declaration before in this Act made.*

Select-men & committees to take care of the school monies.

*And such Select-men, and Committee or Committees, are hereby authorized, and impowered to take and receive into their Care and Custody, all other Estates, Lands, and Interests that have been given, granted, sequestered or do belong to such Schools, or that shall hereafter belong thereto, for the Support thereof ; and shall use, improve, and dispose of the Interest, Increase, Profit or Rent arising or coming upon any such Monies, Lands or Interests, according to the true Intent of such Gift, Grant or Sequestration, for the Purpose aforesaid ; which shall be disposed of either to the School-Master, or to a Committee of the School, to be by them improved for the support of the School.*

Also real estates, &c. To lease, &c.

*And that the said Select-men, Committee or Committees may be the better enabled to do said Service ;*

*It is further enacted by the Authority aforesaid, That they, the said Select-men, Committee or Committees, or the major Part of them, shall be, and they are hereby authorized and impowered to lease all such Lands and real Estates, and loan such Monies as do or shall appertain to such Schools, and is or shall be given for the Use aforesaid ; and to commence and prosecute such Suit or Suits as may be necessary for the Recovery and obtaining such Lands,*

On removal  
of committee  
others to be  
chosen.

Monies and other Estates ; and to take Leases, Bonds, or other Securities as themselves and their Successors, for the use of such Schools : Which Leases, Bonds, or other Securities the said Select-men, Committee, or Committees who take the same, shall have Power to sue and recover thereon : And in case of the Removal of them, or any of them, by Death or otherwise, their Successors in that Office or Offices, shall have as full Power in the Matters aforesaid, to prosecute in their own Names, as those whom they succeed as aforesaid, might or could do, if they had not been removed as aforesaid : which Bonds, Leases and Securities shall, by said Select-men and Committee be lodged with the Clerk of such Town or Society, who is directed and required to keep an Account thereof, and hold the same under the Direction of the said Select-men and Committees, for the Purpose aforesaid ; and such Select-men and Committees shall render their Accounts of their Use and Improvements of such Estate and Interest, unto such Town and Society by whom they are appointed, when thereunto required.

Proviso.

*Provided nevertheless,* That this Act shall not extend to any Estate, formerly granted by any particular Person for the Benefit of any School or Schools, in any particular Town or Society ; nor to Grants of any Interests formerly made by any Person to any Town or Society for the support of Schools wherein the Grantor hath committed the Care and Improvement of such Estate by him given, to particular Persons, with particular Directions for a continual Succession in said Trust ; or where the General Assembly hath formerly interposed and committed the disposition of the Profits of such Estates to a Committee in a continual Succession ; any Thing contained in this Act to the contrary notwithstanding.

### An Act relating to the Secretary's Office and Duty.

Secretary to  
keep state re-  
cords, to re-  
cord acts, &c.  
and give co-  
pies, &c.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Secretary of this State for the Time being, shall have the keeping and custody of the Records, and other public Papers that contain the Acts, Orders, Grants, and Doings of the General Assembly ; and that have Relation to such Matters and Affairs as are of general concern, and are to be recorded or kept in his Office ; And shall record all Acts, Orders, Grants, and Resolves made by the General Assembly, and give true Copies thereof when reasonably thereunto required : And shall within twenty Days after the End of every Session of the General Court, publish in Writing, under the common Seal of the State, such Acts, Laws, and Orders of public concernment, as shall from Time to Time be made by the General Court, and then transmit the same to the Printers to the State of Connecticut for the Time being, in Order to the Printing the same to be dispersed among the People of this State for their better Knowledge thereof.

In 20 days,  
&c. to pub-  
lish the laws,  
and send co-  
py to the  
printer.

Keeper of the  
state seal.

And also the Secretary shall be the Keeper of the Seal of this State, and shall affix it to such Laws, Acts, Orders, Commissions, Instruments, and Certificates as he is, or shall by Law be ordered to do, or shall be desired by particular Persons that have special Occasion for the same.

### An Act to enable Select-men to assess the Inhabitants of the Town in some Cases.

Preamble.

*WHEREAS* the Laws of this State do oblige the Select-men of each Town within the same, (at the Charge of the Town) to provide, do and perform various Articles, Matters, and Things : Wherefore, to enable them thereto.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Select-men, or

the major Part of them, in the several Towns within this State, when and so often as there shall need a supply of Money in the Treasury of any Town, to provide and answer any of those Articles, Matters, Things or Charges by them to be provided or answered according to Law, and the Inhabitants of the Town at any Town-Meeting (whereat such want of a Supply is made known to them by their Select-men) shall refuse or neglect to grant such Supply; shall be; and the said Select-men are hereby fully authorized and impowered, to assess the several Inhabitants of their said Town, and make a Rate upon them, according to the List of the Polls and rateable Estate of the said Inhabitants, for raising such Sum or Sums as shall be necessary for providing the several Things, and answering the several Matters aforesaid, or any of them; which Sum or Sums so raised the said Select-men shall be accountable for according to the Act, entitled, "*An Act for maintaining and supporting the Poor.*" And that all such Rates so made by the Select-men or the major Part of them, in any Town in this State, and delivered to the Constable or Constables of the Town, with a Warrant annexed thereto, signed by the Select-men, or major Part of them, and directed to the Constable or Constables, requiring him or them, to gather the same (which Warrant such Select-men are hereby authorized and impowered to grant, as aforesaid) shall be a sufficient Warrant for such Constable or Constables to collect such Rate: And they are hereby required to obey and serve such Warrant; and therein shall observe and follow the directions of the Law relating to the gathering and collecting the State Rates: And when they have collected the same according to such Warrant, shall pay the Sum or Sums collected to the Select-men, or major Part of them, or to their Order, for the Uses aforesaid, and take Receipts of what they pay.

And in case any such Constable shall not perform the Trust hereby committed unto him, he shall be accountable, and shall and may be proceeded against by Distress, as is provided against Collectors of Rates, in the Law, entitled, "*An Act for collecting and paying of Rates or Taxes.*"

## An Act for appointing and directing Commissioners of Sewers and Scavengers.

*WHEREAS* there are great Quantities of meadow, marshy, and low Lands or Grounds belonging to sundry Persons in several Towns in this State, which are spoiled by the overflowing of Waters: And also much swampy and unprofitable Land which might be rendered profitable by Drowning and draining the same.

To the Intent therefore that the Owners of such Lands may be encouraged and enabled to remove such Obstructions, and dam and flow their Swamps, and other unprofitable Grounds, thereby to bring them under profitable Improvement;

**B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That it shall be in the Power of the Governor and Council, for the Time being, from Time to Time, upon Request to them made by the major Part of the Proprietors of any such Lands, to grant Commissions of Sewers, to such and so many able and discreet Persons, as to them shall seem meet, for the clearing and removing of the Banks and Obstructions of the Passages of the Waters in Rivers, Brooks, Streams, or Ponds that occasion the overflowing and drowning of meadow, swampy and low Lands: And also for the flowing and draining of Swamps, and other unprofitable Grounds: And also for damming to prevent the Water overflowing marshy and flat Lands; which Commissions shall be signed by the Governor: And by the said Commissions, the Commissioners shall be impowered to do the Service aforesaid, and to employ Work-men and Labourers for such reasonable Wages as may be agreed

Select men to assess the inhabitants to raise monies for supplies, &c.

Select men's warrant sufficient, &c.

Penalty for neglect.

Preamble.

Governor & Council to grant commissions, &c.

on for the effecting the Premises : And from Time to Time to assess and tax all such Persons as are Owners of such low and wet Lands, towards defraying the Charge of the Service aforesaid, (having Regard to each Person's Quantity of Land, and Benefits to be received thereby, as equally according to their best Judgment as they can) and also to appoint and swear a Collector or Collectors, for the collecting and gathering and paying in the same Assessment to such Persons as shall by said Commissioners be appointed to receive it ; with Power to distrain all such Persons as shall neglect or refuse to make Payment of his, her or their Parts or Proportion set and assessed as aforesaid, in such Manner as in the State Rates and Taxes by Law may be done ; and to call before themselves the said Collector or Collectors, to an Account for his or their Betrayment, with Reference to the Premises.

Commissioners to be sworn.

And the said Commissioners shall be sworn to a faithful Discharge of their Trust, and shall receive such Salaries out of the said Assessments for their Time and Expences, touching the Premises, as the Governor and Council shall appoint ; unto whom the said Commissioners shall be accountable when thereunto required.

Charges how paid.

And if any Proprietor of any such Lands shall be unable, or otherwise neglect to pay his, her or their Proportion of the said Rates or Assessments, it shall and may be lawful to and for the other Proprietors concerned therein, to pay the said Assessments, and to hold the said Lands of the Person neglecting or refusing as aforesaid, until the Profits of those Persons Lands may be sufficient to reimburse them, according to the Judgment of the Commissioners.

Proviso.

*Always provided*, That it shall be in the Liberty of any Person aggrieved at any Procedure of the said Commissioners, or of any others in Pursuance of this Act, to appeal or complain unto the Governor and Council for Relief.

*And so far as much as the Ditches, Drains and Dams made by the Commissioners aforesaid, will be likely to fill up, or get out of Repair, it will be needful that they be frequently scoured or repaired :*

Therefore,

Proprietors to meet, &c.

*Be it further enacted by the Authority aforesaid*, That the Proprietors of such marshy, wet or drained Lands, after the said Commissioners have dammed, ditched or drained the same, may meet and assemble together from Time to Time, as there shall be Occasion : Which Meeting shall be warned as follows, viz.

Meeting how called.

When and so often as any three of said Proprietors, shall judge a Proprietors Meeting necessary for the Purposes hereafter mentioned, they may apply to the next Assistant or Justice of the Peace, who thereupon is hereby empowered to issue forth his Precept to some meet Person, to warn all the Proprietors of such Lands, to meet at such Time and Place, and for such Business as shall be therein appointed and declared ; and the Person to whom such Precept is directed, shall give Warning to all the Proprietors of such Lands, that live in the Town where the Lands lie, by reading the same in their hearing, or leaving an attested Copy thereof at the Place of their usual Abode, at least three Days before such Meeting : And the said Meeting being so warned and assembled, shall be a lawful Meeting.

Their power and business when met.

And at any, and every of such Meetings, as there shall be Occasion, the said Proprietors, by their major Votes, to be computed according to their Interest in such Lands, may choose a Clerk, who shall be sworn to make true Entries of all such Votes as shall be passed in said Meetings ; and also of the Reports of the Proprietors Committee, of their doing, in stating and setting out to each Proprietor his Part of such Dams, Ditches and Drains ; Which Committee the said Proprietors are hereby empowered to choose, consisting of two or three Men, who may state and set out to each Proprietor his Part or Proportion of such Dam, Ditch or Ditches ; to be computed and done according to his Interest in such Lands : Which Committee shall make a Return, or Report of their Doings

therein, unto the Clerk, in Writing under their Hands ; to be entered on Record, that it may be known.

And each Proprietor, his Heirs and Assigns, shall ever after sufficiently clear and keep open, and in Repair, his Part of such Dams, Ditches and Drains, stated and set out to him as aforesaid. Each proprietor to do his part.

*Always provided,* The Proprietors may, at any Time afterwards, cause a new Stating of the same, as they shall see Occasion. Proviso.

*And the more effectually to oblige the said Proprietors to do the same,*

*It is further enacted,* That the said Proprietors shall be, and are hereby empowered to choose two or more Persons among themselves, to be Scavengers for the clearing up or keeping in Repair such Dams, Drains and Sewers : Which Scavengers, shall be chosen and appointed, once in two Years ; and shall take the Oath by Law provided. To choose scavengers.

And if any Person or Persons, lawfully chosen to said Office of Scavenger, shall refuse, or neglect to take such Oath, being required thereunto by a Citation from an Assistant or Justice of the Peace ; such Person or Persons, shall each of them pay a Fine of *Twenty Shillings* to the Proprietors of such Lands, to be delivered to their Committee for the Use of the Proprietors : The same to be levied by Warrant from such Assistant or Justice. Penalty for refusal to serve.

And the Proprietors aforesaid, shall proceed to choose other Person or Persons, in the Room of such as have refused as aforesaid ; and so *toties quoties*. Others to be chosen.

And the said Scavengers shall from Time to Time, diligently inspect the Dams, Drains and Ditches, and see that they are kept open, or in good Repair ; and if at any Time they find them, or any Part of them filled or out of Repair, they shall forthwith give Warning thereof unto such Proprietors, whose Part is deficient, that they forthwith repair and amend the same ; and if any Proprietor shall not within five Days next after such Warning given, clear or repair the same sufficiently, in the Judgment of the Scavengers, the said Scavengers are hereby empowered and appointed, forthwith to cause the same to be sufficiently repaired ; and the Person or Persons to whom it belongs, shall pay double Cost to the Scavengers for repairing the same : And in Case of Refusal or Neglect of Payment thereof, for the Space of ten Days after an Account thereof presented, and demand thereof made ; such Cost and Charges shall be levied by Distress, and the Sale of the Offender's Goods, by Warrant from an Assistant or Justice of the Peace. Scavengers duty.

And for Want of Goods or personal Estate, the Officer shall deliver to the Scavenger so much of the Lands of the Person deficient as will answer the same, with additional Costs, by a reasonable Extent. Land liable, &c.

*Always provided,* That if any Proprietor thinks himself aggrieved with the Account of the Scavengers, he may, at his own Cost, within the said ten Days, make Application to the Select-men of the same Town wherein the Land lieth, who being no way Parties to the Controversy, shall anew appraise the Cost of such repairing, and the Party deficient shall pay double Cost according to their Appraisement, to be recovered as aforesaid. Proviso.

*Provided also,* That when the Proprietors of such Lands shall judge that the clearing of said Ditches and Drains, or repairing said Dams may be more easily and more effectually performed in a general Way and Manner, and shall thereupon in any of their lawful Meetings, by their major Vote, computed by Interest, as aforesaid, vote and agree that the said Ditches and Drains shall be cleared, or said dams repaired at the public Charge of the Proprietors, then the said Commissioners of Sewers shall, and they are hereby empowered, to employ Persons to do the same in the same Manner as they are by this Act enabled to do in the first making of said Dams, Ditches, and Drains ; any Thing in this Act contained to the contrary notwithstanding. Proviso.

Any person  
incumbring  
drains, &c.  
common nu-  
sance.

*And be it further enacted by the Authority aforesaid, That if any Person or Persons without Liberty of the Proprietors first had or obtained, shall set any Fence, Hedge, or other Incumbrance, on the Bank of such Drain or Drains, to the annoyance and incumbrance of it, or to make the clearing up and keeping the same in good Repair more difficult, it shall be lawful for the Scavengers to remove the same as a Common Nuisance.*

## An Act for ordering, restraining and preserving Sheep:

Owners of  
sheep to meet,  
&c.

**B**E it Enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Owners of Sheep in any Town in this State, or the major Part of them, shall be allowed and impowered; and they are hereby allowed and impowered to meet together within their Limits, as often as there shall be Occasion; and in such their Meetings to order that the Sheep in such Town shall be put together in a Flock or Flocks annually, for such Time and Season of the Year as they shall determine.

To choose a  
clerk, &c.

And the Owners of the Sheep of every such Flock, are impowered to meet together in their Limits, and in such Meeting by their major Vote, according to their Interest, to be computed according to the number of Sheep each Owner hath, to choose their Clerk, who shall be sworn to make true entries of all such Votes and Acts as shall be made by said Owners of Sheep: And also to choose Sheep Masters for the hiring of a Shepherd, and letting out the Flock to fold, and for other prudential Affairs relating to the Flock: And also to make Orders for the warning of their Meetings, and all necessary Orders proper for the better managing their Flock, restraining Rams from going at large within their Limits, and securing the Flock from being destroyed by Dogs.

Sheep at  
large, &c. il-  
legal to be im-  
pounded.

And if any Sheep shall go at Large on the Common without a Keeper, in any Town in this State, such Sheep may be taken up and impounded by any Person finding the same; unless any Town shall agree and order to the contrary within their own Precincts, respecting their Sheep.

*And whereas it is practiced in some of the Towns in this State, by some particular Inhabitants, to turn large Flocks of Sheep on the Highways, with a Keeper, and thereby eat up and destroy the Herbage therein; to the great Detriment of the poor inhabitants of such Towns:* Which to prevent:

No person to  
turn a flock of  
more than 50  
sheep on the  
common with  
a keeper.

*Be it further enacted by the Authority aforesaid, That no particular Person in any Town in this State, shall for the future, turn any Flock of Sheep on the Highways with a Keeper, of more than Fifty, to eat up and consume the Herbage therein, without Liberty first had and obtained from such Town, or the Proprietors thereof, on Pain that every Offender shall forfeit and pay the Sum of Twenty Shillings, for every such Offence, to him or them who will sue for and prosecute the same to Effect.*

Rams re-  
strained.

*And it is further enacted, That every Town that does not agree to have any Flock, shall have the same Power to make Acts relating to the restraining of Rams and securing the Sheep from being destroyed by Dogs, as the Owners of Sheep have that live within the limits of any Flock; as aforesaid. And no Damage shall be recovered against any Person for killing any Dog or Dogs, according to the Orders of such Town, or Owners of any Flock.*

Dogs destroyed.

*And the more effectually to prevent Mischief being done by Dogs, to Sheep and Cattle in this State.*

Who to order  
dogs to be  
killed.

*Be it further enacted by the Authority aforesaid, That when any Person or Persons living in any Town in this State, shall complain to any one of the Select-men of such Town, of Damages done among Sheep or Cattle, by their being worried, wounded or killed by Dogs in the Woods or elsewhere in such Town; or shall complain thereof to any one of the Sheep-masters of the Flock,*

within the Limits whereof such Mischief is done, and shall inform such Select-men or Sheep-master what, and whose Dog or Dogs they suspect did said Mischief, such Select-man or Sheep-master shall consider what such Complainant shall offer, and any other Matters he shall think proper to convince him of the reasonableness or unreasonableness of such Suspicion, and if he be satisfied there is great reason for Suspicion that the Dog or Dogs complained of have done the said Mischief, such Select-man or Sheep-master shall give Sentence that such Dog or Dogs shall be killed: After which it shall be lawful for any Person or Persons to kill such Dog or Dogs.

Complaint how and to whom made.

And if after such Sentence given (such Dog or Dogs not being killed) such Mischief shall again be done by Dogs, the Owner of such Sheep or Cattle worried, wounded or killed by Dogs, shall recover all his Damages against the Owner or Owners of such Dog or Dogs sentenced to be killed as aforesaid; unless upon Trial the Owner or Owners of such Dog or Dogs shall satisfy the Court, Assistant, or Justice before whom the Trial is, that the Damages were not done by his or their Dog or Dogs sentenced as aforesaid.

Damage when and how to be recovered.

Always provided, That the Owner or Owners of such Dog or Dogs, be notified of the Sentence aforesaid, before the Damage sued for, was done: And that no Prosecution by virtue of this Act, for such Damages, be made after four Days from the Time such Damage are done.

Provido.

And whereas some Persons of evil Fame, sometimes use Means to conceal the Marks of Sheep, and other Creatures they kill and dress, which gives great Suspicion of their feloniously having taken the same, to the great Damage of the Owners, &c.

Which to prevent:

Be it further enacted by the Authority aforesaid, That whensoever any Person shall be found killing or dressing any Sheep, Cattle or Swine, and shall wilfully deface any of the Marks, whether natural or artificial, of such Creature, designedly to conceal the same; or shall refuse to expose them to the View of any credible Person when requested thereunto; in every such Case the Constables and Grand-jurors in the Town where such Creature shall be so killed, and the Marks thereof, so as aforesaid concealed, upon credible Information thereof, shall, and they are required to make Presentment of such Offence to some Court, Assistant or Justice of the Peace, who may cause such suspected Person to be brought before him or them; and if upon Examination such suspected Person shall not shew to the satisfaction of such Authority, that he did not kill such Creature, (and wilfully deface or conceal the Marks thereof as aforesaid) or that he had good Right so to do, he shall be adjudged guilty of feloniously taking the same, and shall pay to the Treasurer of the Town where such Offence is committed, treble the Value of such Creature so killed, besides such Fine as the said Court, Assistant, or Justice shall order, not exceeding Twenty Shillings or be publicly whipped, not exceeding fifteen Stripes.

Killing and concealing the marks of creatures punishable, unless, &c.

And if such Person shall within one Year after such Conviction, make it appear to the satisfaction of the said Authority, that he was the true and lawful Owner of such Creature so killed, he shall receive of said Treasurer, by order of said Authority, the three-fold Damages, adjudged as aforesaid.

Forfeiture to be returned in case, &c.

An Act for appointing of Sheriffs, and for empowering and regulating them in the Execution of their Office.

BE it enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That there shall be a Sheriff, duly qualified to execute the Sheriff's Office in each of the Counties in this State, who shall from Time to Time, as there shall be Occasion, be appointed by, and become bound before the Governor and Council, with two sufficient Sureties, Freeholders in this State, by a Recognizance in the Sum of One given.

Sheriff to be appointed by Governor and Council. Bond to be given.

H h

*Thousand Pounds*, to the Treasurer of the State, for the faithful Administration and Discharge of said Office, and for answering all such Damages as any Person or Persons shall sustain by any Unfaithfulness or neglect in the same: And before he executes said Office shall take before the Governor, or in his Absence the Lieutenant-Governor, the Oath by Law required to be taken by such as execute the said Office; who shall thereupon receive a Warrant or Commission from the Governor, or in his Absence the Lieutenant-Governor, expressing him to be qualified as aforesaid, authorizing and empowering him to execute the said Office. And every Person being so appointed, qualified and empowered shall be accounted lawful Sheriff of the County for which he is appointed; and shall have full Power and Authority to serve and execute all lawful Writs within their respective Counties, to them directed, coming from lawful Authority: And shall have and execute the Power and Office of Water-Bailiffs; which is hereby annexed to the Sheriffs Office.

Sheriffs power.

To conserve the peace and suppress riots, &c.

And also shall have full Power within their respective Counties, to conserve the Peace, and to suppress with Force and Strong-Hand, when the necessity of the Case shall so require, all Tumults, Riots, Routs and other unlawful Assemblies; and to apprehend without Warrants, all such as they shall find so, as aforesaid, appearing in Disturbance of the Peace, and cause them to appear before the next Assistant, or Justice of the Peace; who may, as the Case after Examination therein shall require, bind over such Offenders to the next County Court in that County wherein the Offence is committed; which Court upon Conviction of such Offenders of the Breach of the Peace, in any of the Kinds aforesaid, shall punish them, and every of them, by Fine or Imprisonment, at their Discretion, as the Nature of the Offence shall require.

To command assistance.

That the Sheriffs aforesaid, shall have full Power, at their Discretion, to command such Assistance of fitable Persons within their respective Counties, as they shall judge needful, to assist them in the Execution of their Office, in every Branch thereof: And whosoever being of Age and Ability, and being so commanded, shall neglect or refuse to assist any Sheriff in the Execution of his Office, according to his Ability, and be thereof convicted in the County Court of that County, shall pay a Fine not exceeding *Ten Pounds*, to the Treasurer of said County, and the Charges of Prosecution.

Fines.

Constables like power.

And each and every Constable in this State shall, within their respective Towns, have Power equal to what is hereby given to Sheriffs in their respective Counties.

To raise militia in case, &c.

And in case great Opposition shall be made against any Sheriff, in executing of lawful Writs, signed by lawful Authority, or in serving other lawful Writs and Processes, signed as aforesaid, or in case there be a Suspicion that such great Opposition will be made, such Sheriff is hereby authorized, by and with the Advice of one Assistant and a Justice of the Peace, and of such other Assistants and Justices present, in case more are present, to raise the Militia of the County, or to many of them as they shall judge needful for the removing all Opposition out of the Way; and shall proceed therein, and be indemnified; as is provided by Law, entitled, *An Act for preventing and punishing Riots and Ristors*.

Militia to obey.

And all Military Officers and Soldiers are hereby commanded to yield Obedience to the Sheriff's Commands in such Cases, on the Pains and Penalties hereafter mentioned.

And the Sheriffs shall not Return that they cannot do Execution.

Penalty for refusing to obey sheriff's.

That if any Commission Officer, or any Soldier shall neglect or refuse to obey the Command of the Sheriff, under the Regulation aforesaid, and be thereof convicted before the County Court, such Officer shall pay a Fine not exceeding *Twenty Pounds*, and every such Soldier shall pay a Fine not exceeding *Three Pounds*; and the Charges which shall arise, and Damages which shall be sustained upon such an Occasion, shall be paid and satisfied out of the

Estate of him or them who are the Occasion of it: And in case no Estate, or not sufficient to answer the said Charges and Damages, can be found, it shall be paid and satisfied out of the County Treasury where such Case shall happen.

And the Sheriff is hereby authorized to seize and dispose of a sufficiency of the Offender's Estate, if to be found, to answer the Charges and Damages aforesaid. Sheriffs to seize their goods, &c.

And the Wages of such Officers, Soldiers, and other Persons commanded to the Assistance of the Sheriff, shall be *Five Shillings per Diem* for Captain, *Three Shillings* for a Lieutenant, and *Two Shillings* for each Centinel, and other Persons employed in such Service. Wages allowed, &c.

*And the more effectually to oblige Sheriffs and Constables to perform the Services of their Offices, and the better to regulate them therein;*

*Be it further enacted by the Authority aforesaid,* That the Sheriffs and Constables shall receive all manner of Writs, in any Place and at all Times within their Counties or Precincts, when and wheresoever they shall be tendered to them, and shall execute the same, and make return thereof according to the Directions therein given. To receive writs, &c.

And any Person may Demand of the Sheriff, or Constable to whom he delivers any Writ, to give a Receipt thereof under his Hand, wherein the Names of the Parties, the Sum or Thing in Demand, the Date of the Writ, and of its Delivery shall be contained, without taking any Thing therefor: And on his Refusal, others present may set to their Hands as Witnesses to such Delivery. Receipt to be given, &c.

And if such Sheriff or Constable shall not execute the Writ, or shall neglect to make return thereof, or shall make a false or undue Return; on Complaint thereof made to the Court or Justice, to which it was made returnable, the Court or Justice may enquire thereof, by the Evidence produced, and if he be found in Default, the Court or Justice may set a suitable Fine upon him, and award Damages to the Party aggrieved, having respect unto the Quantity and Quality of the Action, and the Peril that might have happened unto him by the Delay which he suffered. For neglect, fineable.

Which Process against such Sheriff or Constable shall be served at least fourteen Days before the sitting of the Court wherein it is to be tried. Process served fourteen days, &c.

And that whensoever any Sheriff or Constable shall be sued for not executing any Writ of Execution, delivered to him to be executed, there shall be no Appeal allowed in any such Case. No appeal.

*Provided.* A Receipt in Writing be demanded or received of such Officer, for such Writ of Execution at the Time of the Delivery thereof, as is herein before provided. Provido.

*Provided also,* That if such Officer shall be complained of, or sued before an Assistant or Justice of the Peace, for not executing, or for making a false or undue Return of any Writ of Execution granted by such Assistant or Justice, on a Judgment for more than *Forty Shillings*, founded on the Confession of the Debtor; either of the Parties in such Complaint or Suit shall have Liberty of an Appeal from the Judgment of such an Assistant or Justice, to the next County Court in the same County; any Thing before in this Act to the contrary notwithstanding. Provido.

*Be it further enacted by the Authority aforesaid,* That the respective Sheriffs may constitute and empower Deputies to act under them; provided however that the number of Deputy-Sheriffs, acting under the respective Sheriffs of the several Counties respectively at the same Time, shall be, and the same is hereby limited as follows, namely; For the County of *Hartford* not more than Twelve; for the County of *New-Haven* not more than Eight; for the County of *New-London* not more than Six; for the County of *Fairfield* not more than Six; for the County of *Windham* not more than Six; for the County of *Litchfield* not more than Eight. Sheriffs may appoint deputies. Number limited.

*Provided nevertheless,* That the Sheriffs of their respective Counties, shall have Liberty on special Occasions, to depute any meet Person to serve and execute any particular Writ or Process; which Deputation shall appear, entered on the back of said Writ or Process; any Thing in this Act to the contrary notwithstanding.

*And it is further Enacted,* That no Person shall be allowed to serve as Deputy-Sheriff, within this State, until he take the Oath by Law prescribed for Deputy-Sheriffs, in the Table of Oaths. *Provided nevertheless,* That when any Person shall be deputed on some special Occasion, as aforesaid, to serve a particular Writ, and after the service thereof shall make Oath before an Assistant or Justice of the Peace, that he faithfully and truly served the same, according to his Indorsement thereon, and that he did not fill up the said Writ, nor give any Direction to any Person to fill up the same: And such Oath being indorsed on the said Writ, or properly certified by the Authority administering the same, the Service thereof shall be good and valid; any Thing in this Act to the contrary notwithstanding.

*Provided also,* That this Act shall not extend to prohibit the Sheriffs, in their respective Counties, of deputing each other to serve as Deputies in their respective Counties.

*And be it further enacted by the Authority aforesaid,* That all Writs and Processes that shall be issued or executed by any Deputy-Sheriff, not qualified as aforesaid, shall be void and abate.

And that no Deputy-Sheriff shall be allowed any more Fees for Travel to serve and return any Writ or Execution than he doth actually travel to serve and return the same; any Usage or Custom to the contrary notwithstanding.

And that whenever any Sheriff or Constable, by virtue of any Writ of Execution, shall seize any Goods or Chattels to answer and satisfy such Execution, and any Person shall appear to receive such Goods and Chattels into his Care, and shall give to such Officer a Writing well executed by such Person, therein expressing the Receipt of such Goods and Chattels, and thereby promising to re-deliver the same to such Officer, and shall fail of performing accordingly, and any Action shall be brought by such Sheriff or Constable, there shall be no Appeal in such Case allowed or granted.

*And be it further enacted by the Authority aforesaid,* That no Sheriff, Under-Sheriff, Sheriff's-Deputy, or Constable shall be allowed to draw or fill up any Writ, Process, or Declaration in any Case whatsoever, nor appear in any Court as Attorney for and in Behalf of any other Person or Persons whatever.

And if it shall appear in any Case, that the Writ, Process, or Declaration was drawn or filled up by any Sheriff, Sheriff's-Deputy, or Constable (their own Cases only excepted) the same shall abate, and be dismissed; any Law, Usage, or Custom to the contrary in any wise notwithstanding.

## An Act for regulating and inspecting the building of Ships and other Vessels.

*Preamble.* FORASMUCH as the building of Ships and other Vessels, is or may be a Business of great Importance in this State; it is necessary that some suitable Provision be made, that effectual Care be taken for the well performing the same:

Therefore,

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That when and so often as any Ship or Vessel of twenty Tons or upwards is to be built or set up in any Town or Place within this State, before any Plank be brought on, the Builder or Owner shall repair to one of the next Assistants, or Justices of the Peace within the same County, who upon Request made, is hereby empowered to appoint and

Sickness.

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authorize one or more able Ship-Wrights to be Overseers and Surveyors of the said Building, and of all the Materials and Workmanship in and about the same, from Time to Time, as often as the Builder or Owner sees Cause to call them thereto; who are to take Care that all the Materials be found, sufficient, and suitable for the Occasion, and that the Work be done and performed strong, substantial, and according to the Rules of the Ship-Wrights Art.

Surveyors to be appointed before planking.

And to direct, and they are hereby impowered to order and direct, that all insufficient, defective Timber, Plank, and other Materials, and Workmanship be taken out, and amended. No Timber or Plank of Oak to be allowed, other than White-Oak or Rock-Oak, (except for the Deck and Ceiling of such Ship or Vessel.)

Their duty.

Which Surveyors so appointed, shall be sworn to be faithful and indifferent, To be sworn between the Carpenter and the Owner or Owners.

That if any Builder or Carpenter upon Advice, Order and Direction of such Surveyor or Surveyors, shall neglect or refuse to reform and amend what is judged to be defective or amiss in any Materials or Workmanship; every such Builder or Carpenter shall forfeit and pay the sum of *five Shillings per Diem* to the Treasurer of that Town where such Vessel shall be in building, until such Defects, Insufficiencies, and Mis-doings shall be amended, being convicted of such Refusal or Neglect before any one Assistant or Justice of the Peace; unless such Authority, on hearing of the Builder or Carpenter, shall see cause to allow him some further reasonable Time for doing the same; after which the Forfeiture to be as aforesaid.

Penalty 5s. per day for not attending the advice of surveyors.

And if any Builder or Carpenter shall bring to, and fasten any Plank upon any Ship or Vessel of the Burden aforesaid, before a Warrant of Survey be obtained, as aforesaid, and the Surveyor or Surveyors have been to view the Frame; every such Builder or Carpenter offending herein, shall forfeit and pay the Sum of *ten Pounds*; one Moiety thereof to the Treasurer of the State, and the other Moiety to him or them that shall sue for and prosecute the same to effect, by Bill, Plaint or Information in any of the Courts of Record in this State.

Penalty 10l for neglecting surveyors.

And that when any Surveyor or Surveyors are called to survey the Work or Materials, in Manner aforesaid, they shall have for their Care and Pains, and Attendance when called, *three Shillings* for every Survey; which Charge of Surveying shall be born by the Builder when he is defective, but if he is not in Fault, then by the Owner or Owners; and in Case of Travel out of Town, the Surveyors to be further allowed for their Travel and necessary Charges.

Surveyors allowance.

An Act providing in Case of Sickness.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That for preventing the spreading of Infection, when it shall happen that any Person or Persons coming from Abroad, or from any Town or Place within this State, are visited, or have lately been visited with the Small Pox, or other contagious Sickness, or that may justly be suspected to have taken the Infection of any such Disease, which Infection may probably be communicated to others; the Select-men of such Town in which such Persons visited with such Sickness, or suspected to be infected with such Disease are, shall, and they are hereby impowered, by Warrant from two Assistants or Justices of the Peace, or for Want of two by any one, to take Care and make effectual Provision in the best Manner they can, for the Preservation of the Inhabitants from the Infection, by removing and placing such sick or infected Person or Persons to and in a separate House or Houses, and also to take Care of the sick and infected Persons, by providing of Nurses,

Persons coming from places infected, &c. care to be taken to prevent spread of infectious diseases, &c.

Tendance and other Assistance and Necessaries for them, if need be, all at the Charge of the Parties themselves, their Parents or Masters, (if able) otherwise at the Charge of the Town or Place whereto they belong.

Accounts to be adjusted, &c.

The Accounts to be adjusted by the Authority who granted the Warrants: The Money to be levied by Distress, signed by such Authority.

Persons visited with sickness in any other town than that they belong, to be relieved, &c.

That in Case it happen that any Person or Persons be visited with any Kind of Sickness, (whether of an infectious Nature or not) in any other Town or Place than that wherunto they belong, and by that Means occasion a Charge to such Town, the Select-men of such Town shall lay the Account thereof before the County Court of that County wherein such Town is to which such Person or Persons belong; which Court having adjusted the Accounts of such Charge, and allowed the same, or so much thereof as they shall judge just and reasonable, shall order Payment thereof to be made by the Treasurer of such Town, or in Want of such Treasurer by the Select-men of the same, and award Execution accordingly (when the said Court shall judge that the Persons themselves, their Parents or Masters, or other Relations which by Law are obliged to support them in Case of Need, are not able to make Payment.)

Town to recover the charge, &c.

And in case of the Death of the Person who should have stood charged with the Debt, the Town shall recover the same of the Executors or Administrators of the Deceased, and for the want of Assets in their Hands, of his Heirs, if any be.

When the sick is not an Inhabitant of this State, charges to be paid out of the State treasury.

And when it shall happen any such sick and indigent Persons prove not to be Inhabitants of this State, or belong not to any Town or Place within this State, and are not by Law the proper Charge thereof, or of any particular Person, and need Relief, then the Charge of such Person's Sickness shall be defrayed out of the public Treasury of the State, by order of the Governor and Council: The Account of such Charge being first laid before, and allowed by them.

Sick how to be taken care of, &c.

That whensoever it shall be necessary, for the taking care of the sick, any two Assistants, or Justices of the Peace, or one in case two cannot be had in the same Town where the Occasion shall happen, may make out a Warrant directed to the Sheriff of the County, his Deputy, or Constables of the Town, requiring them, or any of them, in the Name of this State, (with the Advice and Direction of the Select-men of the said Town) to impress and take up convenient House or Houses, Lodging, Nurseries, Tendance and other Necessaries for the accommodation of the Sick.

Nurses and necessaries to be impressed by warrant if necessary, &c.

That if any Town or Place visited with Sickness, as aforesaid, be in Danger of Suffering for want of suitable Nurses or Tenders, which cannot be procured in the same Town, then a Warrant shall be granted by the Authority aforesaid, at their Discretion, for the impressing any meet Person or Persons, and other Necessaries, out of any other Towns.

Persons, &c. coming from infectious places, &c.

how to be proceeded with.

That if any Person or Persons, Seamen or Passengers belonging to, or transported in any Ship or Vessel, arriving at any Port or Harbour within this State, happen to be visited with the Small-Pox, or other contagious Sickness during the Voyage, or come from any Place where such Sickness prevails and is common; or if any Person whatsoever shall come from any Town or Place, either in this, or any neighbouring Government where any such Infectious Disease doth prevail or hath lately prevailed; or when any Person or Family may be justly suspected and feared to have taken the Infection of any such-like contagious Sickness, it shall be in the Power of the Select-men of the Town, to order such Person or Persons, or Family, to Confinement in such Vessel, and such Place as they shall think proper; or in such House or Place, and for so long a Time as they shall think most convenient and safe; and if Need so require, upon their Application to one Assistant, or Justice of the Peace, or more if readily to be come at, he or they may, and are hereby authorized to make out a

Warrant to the Sheriff or Constable aforesaid; or in want of such Officers, or for any other special Reason, to some other suitable Person, (who is accordingly hereby empowered with the same Authorities, and required upon the same Penalties as the proper Officers are invested with, and liable to) both for the remanding such Persons on Board again, and confining them to the Places assigned them on Board or on the Shore; and also for preventing Persons coming to, or going from them contrary to the Orders given.

That in case the Distress and Difficulties shall be so great in any Place or Places, that any further Provision shall be found necessary than is in this Act provided, upon Application to the Governor or Commander in Chief for the Time being, he is hereby empowered to make and give such further Orders and Directions therein, with the Advice and Consent of his Council, as they shall think fit, for the preventing the spreading of such Infection, or any Thing relating thereto.

That in special cases of distress not specially provided for application to be made to the governor, &c.

That if any Person or Persons whatsoever shall willingly transgress against any Rule or Method made by this Act, or provided by Virtue thereof, to prevent the spreading of such Diseases, whether by refusing to nurse or tend such sick Person; or by resorting to any such sick Persons, or to the Places where they are; or shall (without Licence first had and obtained, from an Assistant, Justice of the Peace, or Select-men) come on Shore from such Ship or Vessel; or go from any other infected Place where they are confined as aforesaid; or being appointed to tend or be with such sick Persons, shall dare to go abroad from the Houses where such sick Persons are kept, and go into any other House or Company, every such Person transgressing as aforesaid, shall incur a Penalty or Fine to the Town Treasurer where any such Offence shall be committed, as the County Court of that County wherein such Town is, shall judge meet; not exceeding the Sum of Eight Pounds.

Penalty for not conforming to this act.

That if any Person or Persons being impressed as aforesaid, to nurse or tend, shall neglect or refuse to enter upon the said Service, that it shall be lawful for the Authority who granted the Warrant by which such Person or Persons were impressed, (if sufficient Excuse to such Authority satisfying be not shewn) to so be committed him, her, or them, so neglecting or refusing to the common Goal of the County wherein the Case happens, there to remain at his, her, or their own Charge, till he, she or they better conform themselves, or the Occasion of their impressing shall be over, and signified by such Authority under his or their Hand to the Keeper of the Gaol for their Release.

Persons impressed to tend the sick refusing, &c. to so be committed, &c.

That when and so often as it shall happen, that any Person in any House, Family, or Vessel in any Township, Harbour or Road within this State, shall be taken sick, and do fear and suspect it to be the Small-Pox, or other contagious Sickness, as aforesaid, it shall be the Duty of the Head of such Family, or Master of the Vessel, immediately to put forth a Signal, viz. At every such House a white Cloth of two Feet square or larger, extended on a Staff or Pole at least ten Feet high, by the House, between the House and the Street or High-way: And on Board a Vessel the Signal shall be the same hoisted on the Shrouds.

When & what signals to be hung, up, &c.

Which Signal shall be so continued till by order of a Justice, or the Select-men of the Town they shall be discharged therefrom.

To continue until, &c.

And on Failure hereof the Head of such Family, or Master of such Vessel, on Conviction thereof before the County Court in the County where such Omission shall be, shall incur such Penalty as the said Court shall judge proper; not exceeding Twelve Pounds.

And that in every Town and Place where any such infectious Disease shall break out, to prevent the spreading thereof, all Owners of Dogs shall destroy Dogs or cause them to be killed; and in Neglect thereof, it shall be lawful for any Person to kill the said Dogs.

Goods, &c.  
brought from in-  
fectious plac-  
es, not to be  
landed, &c.  
without leave  
&c. on Pen-  
alty of 20l.

*Be it further enacted by the Authority aforesaid,* That if any Person shall bring into any Town in this State, either by Land or Water, from any Place infected with the Small-Pox or any other mortal contagious Disease, any Goods, Wares or Merchandize, and land them or expose them to Sale without Liberty from two or more of the Select-men of said Town first had and obtained in writing under their Hands, such Persons shall forfeit the Sum of twenty Pounds lawful Money; one Half of said Penalty to the Informer who shall prosecute the same to effect, the other Half to the Treasury of the Town in which such Goods are landed or exposed to sale.

Select men's  
duty, &c.

*Be it is further enacted by the Authority aforesaid,* That it shall be the Duty of the Select-men, upon Application to them made, to make speedy Examination whether it be necessary to air such Goods, Wares, or Merchandize brought in as aforesaid; and if they judge it not necessary to air them, they shall then give a Certificate to the Person or Persons applying therefor, and Liberty to Land and sell the same. And whensoever any Goods, Wares or Merchandize brought in as aforesaid, and are suitably aired, said Select-men shall give a Certificate thereof to the Person whose Goods, Wares, or Merchandize are thus aired, with Liberty to land or sell the same accordingly.

Duty of mast-  
ers of vessels,  
&c. to make  
report, &c.  
in 12 hours.

*Be it further enacted by the Authority aforesaid,* That when it shall happen that any Ship or Vessel shall come from any Place where the Small-Pox, or other contagious Sickness is prevalent, it shall be the Duty of the Master of such Ship or Vessel, and in case of Inability in the Matter, it shall be the Duty of the next Officer successively upon their Arrival in any Harbour, Road or Creek in this State, forthwith to give Information to one or more of the Select-men of such Town where such Vessel shall first arrive, from whence they came, and the true Circumstances of the People and Cargo on Board. And whatever Matter or other Officer on Board such Vessel, shall for the Space of twelve Hours after his Arrival as aforesaid, neglect to give Information as aforesaid, or shall neglect to wait for and punctually obey such Orders as shall be given in such Case according to Law, or shall suffer any People belonging to such Ship or Vessel to go on Shore (except to give Information as aforesaid) shall forfeit to the Treasurer of such Town where such Offence shall be committed, the Sum of fifty Pounds lawful Money, to be recovered by Bill, Plaint or Information in any Court proper to try the same.

On penalty of  
50l.

Passengers &  
not to go on  
shore.

And if any Passenger or other Person on Board such Vessel, shall presume to go on Shore from any such Vessel (except as before exempted before Information as aforesaid, has been given, and order thereon made,) such Person shall incur upon himself a Fine of ten Pounds lawful Money, to be recovered as aforesaid.

Inoculation  
not to be per-  
mitted with-  
out certificate  
of the consent  
of civil autho-  
rity, &c.

*And be it further enacted by the Authority aforesaid,* That no Person hereafter within the limits of any Town in this State, shall receive, give or communicate the Infection of the Small-Pox by Way of Inoculation, or in any such like Method, without first obtaining a Certificate from the major Part of the civil Authority and of the Select-men of such Town, approving of and permitting the same; nor shall any Person be aiding or assisting therein without such Liberty first obtained as aforesaid.

Approbation  
of the town to  
be previously  
had, &c.

*And be it further enacted,* That the civil Authority and Select-men in any Town in this State, shall not grant Permission for the Small-Pox to be communicated by Inoculation, until the Approbation of such Town be first had and obtained by the Vote of two-thirds of the Voters assembled in legal Meeting, excepting it be unto Persons belonging unto the Continental Army, Officers or Soldiers, and also in such Case where any Person shall make it appear fully to the satisfaction of the said Authority and Select-men, that he or she hath been involuntarily exposed to take the Infection, and probably hath thereby taken and received the same in the natural Way.

Sign-post.

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*Be it further Enacted*, That when ever the Civil Authority and Select-men shall grant Liberty and Permission to inoculate as aforesaid, they are directed and required to assign the Place, House, or Houses where it shall be carried on, and the infected Persons shall be kept ; and to appoint or approve of the Nurse or Tenders employed, give Orders respecting the Time, the Persons infected, their Nurses and Tenders shall continue in the Places appointed, and also respecting their Cleansing and coming out, and such other Orders and Directions as shall be judged most expedient, for preserving the Inhabitants from taking the Infection, for which Service a meet Recompence shall be paid by those concerned, or some of them, to said Authority and Select-men.

Civil authority and select-men to assign the place where &c. for inoculation.

That in Case any Person shall presume voluntarily to receive, take, give or communicate the Small-Pox, directly or indirectly, contrary to the true Intent and Meaning of this Act, or be aiding and assisting therein, such Offender shall forfeit and pay to the Treasurer of this State, the Sum of Fifty Pounds, for every such Offence.

Penalty of 50l. for inoculation, &c.

And if any Person shall transgress any of the Rules or Orders made or given in pursuance of this Act, such Transgressors shall forfeit and pay to the Treasurer of the Town where the Offence shall be committed, the Sum of Eight Pounds.

Penalty for transgressing any orders made, &c. 8l.

And whenever any Person shall be brought to Trial for the Breach of this Act, in communicating or receiving the Small-Pox, aiding or assisting therein, such Person shall be deemed and adjudged guilty thereof, although the Complainant shall not be able to produce any other Proof than to render it probable ; unless such Person shall make Oath before the Court before whom such Person is on Trial, that he or she have not voluntarily, directly or indirectly, given or received said Infection, either by Inoculation or any Way or Means whatsoever : Which Oath the said Court are hereby empowered to administer. And all Informing Officers are hereby empowered and required to inform against all and every Person and Persons who shall transgress this Act, or any Rules and Orders made in Pursuance of this Act.

Burden of proof to lay on the delinquent.

May exculpate himself on oath.

*Be it further enacted by the Authority aforesaid*, That where-ever any Soldier, Sailor, or Marine belonging to the Army or Navy of the United States, who is not an Inhabitant of this State, shall become sick in any Town within this State, under such Circumstances that he cannot be removed, and unable to provide Things necessary for his Support, or procure the same from some Hospital or Person employed in the Hospital or Medical Department of the United States, it shall be the Duty of the Select-men of such Town to provide the Necessaries for the Support and Relief of such Soldier, Sailor, or Marine in his Sickness, and the reasonable Expences thereof, properly authenticated, being laid before the Governor and Council, with the Name of such Soldier, Sailor or Marine, the Company, Regiment, ship or other Vessel, and State to which he belonged, they are hereby authorized to order Payment of the amount of such Expence, or so much thereof as shall be by them allowed, and charge the same to the Account of the United States.

Sick soldiers and mariners how relieved &c.

Accounts to be liquidated and payment, ordered by governor and council, out of state treasury, &c.

An Act for erecting and continuing a Sign-Post in each Town in this State.

*Be it Enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same*, That near the Center of every Town in this State, there shall be a sign-Post set up at the Town's Charge, and maintained in sufficient repair, on the Penalty of ten Shillings per Month for any Town that shall neglect the same : One Half to the Complainer that shall prosecute the same within six Months after such Neglect, and the other Half to the County Treasury ; which Fine shall be recoverable of the select-men of the Town so neglecting.

A sign-post to be kept near the center of every town.

Penalty for neglect.

At which sign-Posts, Proclamations sent forth to be set up and published, Notices of fairs, sales of Houses and Lands, and Advertisements of such like Occasions, shall be set up to be read.

*Provided nevertheless.* That there shall be erected and maintained for public Use, by the Town of *Watertown*, a sign-Post in each of the societies of *Westbury* and *Northbury*, in said Town, under the same Penalties which any other Town in this State is liable to, in similar Cases; upon non-performance; any Thing in this Act to the contrary in any wise notwithstanding.

# An Act to promote the making of Raw-Silk within this State.

*Preamble.* WHEREAS by the Experiments which have been made, it is highly probable that the making of Raw-Silk will be attended with much Advantage to the good People of this State.

Therefore,

**B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That from and after the first Day of March, Anno Domini, One Thousand Seven Hundred and Eighty-four, to the first Day of March, One Thousand Seven Hundred and Ninety-three, whoever shall plant One Hundred thrifty sarubs or saplings, of three or more Years Growth, of the white Mulberry-Tree, within this State, on his, her or their Land, at such Distances from each other as will be favourable for their Growth and for collecting their Leaves, shall receive at the end of every Year, and during the Term of three Years from and next after the Year in which such saplings shall have been planted as aforesaid, Ten Shillings lawful Money, and so in Proportion for every Hundred of such saplings planted as aforesaid, upon Proof and Certificate thereof, as hereafter directed, that such saplings were, at the end of every three Years after they were so planted, in a thrifty Condition; every such Certificate shall be given at the end of every of the three Years as aforesaid; and no Certificate shall be given for any Number of such saplings but for one or more entire Hundreds, as the Case may be.

Be it further Enacted, That whoever shall make any Raw-Silk, from Worms and Mulberry-Trees of his own Raising, within this State, by properly winding the same from the Balls or Cocoons, after the said first Day of March; and for fifteen Years next thereafter, shall have and receive three Pence lawful Money, for each Ounce of such dry silk, which he, she, or they shall make as aforesaid; every of which Bounties given by this Act, shall be paid out of some Tax which has or shall be granted for the support of the Civil Government of this State.

Be it further Enacted, That it shall be the Duty of any two Justices of the Peace, upon the Application of any Person or Persons claiming any Bounty by this Act, carefully to examine such Claim, and upon Proof that the same is well founded, shall give a Certificate to such Person or Persons claiming as aforesaid, living within their County, specifying on what Account such Bounty becomes due; and shall include in such Certificate, an Order on the Collector of that Town in which such Claimant or Claimants live, to pay such Bounty out of such Tax in his Hands for the support of Civil Government, as they shall direct; and every such Collector shall receive and pay such Order, and shall deliver the same over into the Hand of the Treasurer of this State, who shall thereupon discharge such Collector to the Amount of said Order on said Tax. And if such Collector shall not be able to pay such Order, he shall certify such Inability on the Back thereof; and in that Case the Treasurer of this State shall pay the same out of any Monies in his Hands for the support of Civil Government: And the Treasurer of this State shall keep a separate Account of all Monies paid by Virtue of this Act.

And be it further Enacted, That if any Person or Persons shall wilfully and knowingly procure more than one Order as aforesaid, for any one Bounty to which he might be intitled by this Act, with a View to defraud this State, he shall, upon legal Conviction thereof, suffer the same Pains and Penalties as if he had been legally convicted of Forgery.

Forgery to procure more than one order, &c.

## An Act concerning Indian, Molatto, and Negro Servants and Slaves.

BE it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That whatsoever Negro, Molatto or Indian Servant or Servants shall be found wandering out of the Bounds of the Town or Place to which they belong, without a Ticket or Pass in Writing under the Hand of some Assistant, or Justice of the Peace, or under the Hand of the Master or Owner of such Negro, Molatto or Indian Servants, shall be deemed and accounted to be Run-aways, and may be treated as such: And every Person inhabiting in this State, finding or meeting with any such Negro, Molatto or Indian Servant or Servants not having a Ticket, as aforesaid, is hereby empowered to seize and secure him or them, and bring him or them before the next Authority to be examined and returned to his or their Master or Owner, who shall satisfy the Charge according thereby.

Negro, molatto, or indian servants not to travel without a pass, &c.

And all Ferry-men within this State, are hereby required not to suffer any Indian, Molatto or Negro Servant, without Certificate, as aforesaid, to pass over their respective Ferries, by assisting them therein, directly or indirectly, on the Penalty of paying a Fine of Twenty Shillings, for every such Offence, to the Owner of such Servants.

Ferry-men not to transport on such on penalty of 20s.

And all Vagrants or suspected Persons may be used in the like Manner, when found Wandering from Town to Town having no Certificate or Pass, as aforesaid; who shall be seized and conveyed before the next Authority, to be examined and disposed of according to Law.

Vagrants, &c. to be taken up, &c.

And if any free Negroes shall travel without such Certificate or Pass, and be stopped, seized or taken up as aforesaid, they shall pay all Charges arising thereby.

Free negroes not to travel without pass.

And for the preventing such Servants from Stealing from their Masters and others, and for the better governing them;

Be it further enacted by the Authority aforesaid, That every free Person which shall presume, either openly or privately, to buy or receive of or from any Indian, Molatto or Negro Servant or Slave, any Money, Goods, Merchandise, Wares or Provisions, without Order from the Master or Mistress of such Servant or Slave; every Person so offending, and being thereof convicted, shall be sentenced to restore all such Monies, Goods, Wares and Provisions unto the Party injured, in the specific Articles, (if not altered) and also forfeit to the Party double the Value thereof, over and above, or treble the Value where the same are disposed of, or not to be obtained: And if the Person so offending be unable to, or shall not make Restitution as awarded, then to be publicly whipped with so many Stripes (not exceeding Twenty) as the Court or Justice that hath Cognizance of such Offence, shall order; or make Satisfaction by Service: To be assigned therein, by such Court or Justice.

Persons prohibited from trading with servants,

On penalty, &c.

And every Indian, Negro or Molatto Servant or Slave, of, or from whom such Money, Goods, Merchandise, Wares or Provisions shall be received or bought, if it appear they were stolen, or that shall steal any Money, Goods, Merchandise, Wares or Provisions, and be thereof convicted, (although the Buyer or Receiver be not found) shall be punished by Whipping, not exceeding thirty Stripes, and the Things stolen to be restored to the Party injured, if found, or the Value thereof if not found: To be determined as aforesaid.

Indian servants, &c. stealing to be whipped.

Servants, &c.  
not to go a-  
board after 9  
o'clock at  
night, unless,  
&c.

That if any Negro, Molatto or Indian Servant or Slave, shall be found abroad from Home in the Night-season, after nine of the Clock, without special Order from his or their Master, or Mistress, it shall be lawful for any Person or Persons, to apprehend and secure such Negro, Molatto, or Indian Servant or Slave, so offending, and him, her, or them, bring before the next Assistant or Justice of the Peace; which Authority shall have full Power to pass Sentence upon such Servant or Slave, and order him; her, or them, to be publicly whipped on the naked Body, not exceeding ten Stripes, and to pay Cost of Court; except his or their Master or Mistress shall redeem them, by paying a Fine not exceeding *ten Shillings*.

Penalty for  
entertaining  
servants; &c.

And if such Servant, or Slaves, shall have entertainment in any House after nine of the Clock, as aforesaid, (except to do any Business they may be sent upon) the Head of the Family that entertains, or tolerates them in his or her House, or any the Dependences thereof, shall forfeit and pay the Sum of *ten Shillings*; One Half to the Complainer, and the other Half to the Treasurer of the Town where the Offence is committed.

*And whereas the increase of Slaves in this State is injurious to the Poor, and inconvenient;*

No slaves to  
be brought into  
this State.

*Be it further enacted by the Authority aforesaid:* That no Indian, Negro or Molatto Slave, shall at any Time hereafter, be brought or imported into this State, by Sea or Land, from any Place or Places whatsoever, to be disposed of, left or sold within this State.

Penalty on  
importers or  
purchasers of  
slaves.

*Be it further enacted by the Authority aforesaid:* That any Person or Persons who shall hereafter, contrary to the true Intent of this Act, import or bring any Indian, Negro, or Molatto Slave or Slaves into this State, to be disposed of, left or sold within the same, or who knowing such Slave or Slaves to be so imported and brought into this State, shall receive and purchase them, or any of them, shall forfeit and pay to the Treasurer of this State the Sum of *One Hundred Pound* lawful Money, for every Slave so imported, brought into this State, received or purchased, to be recovered by Bill, Plea, or Information, in any Court of Record proper to try the same: And that it be the Duty of all Justices and Grand-jurors, to enquire after, and make Presentment of all Breaches of this Act.

Slaves set free  
to be main-  
tained by  
their late  
owners in case  
they come to  
want.

And that all Slaves set at Liberty by their Owners, and all Negro, Molatto, and Spanish Indians who are Servants to Masters for Time; in Case they come to Want, after they shall be set at Liberty, or the Time of their said Service be expired, shall be relieved by such Owners or Masters respectively; their Heirs, Executors, or Administrators; and upon them, or either of their Heirs, so to do, the said Slaves and Servants shall be relieved by the Select-men of the Towns to which they belong; and the said Select-men shall recover of the said Owners or Masters, their Heirs, Executors, or Administrators, all the Charge and Cost they are at for such relief, in the usual Manner, or in Case of any other Debts.

Proviso

*Provided nevertheless,* That if any Master or Owner of any Servant or Slave, shall apply to the Select-men of the Town to which he belongs, for Liberty or Licence to emancipate or make free any such Servant or Slave, it shall be the Duty of such Select-men to enquire into the Age, Abilities, Circumstances and Character of such Servant or Slave, and if they or the major Part of them, shall be of Opinion that it is likely to be consistent with the real Advantage of such Servant or Slave, and that it is probable that the Servant or Slave will be able to support his or her own Person, and he or she is of good and peaceable Life and Conversation; such Select-men or the major Part of them, shall give to the Owner or Master of such Servant or Slave, Certificate under their Hands, of their Opinion in the Premises, and that the Master or Owner of such Servant or Slave, hath Liberty to emancipate and set at Liberty such Servant or Slave. And if the Master or Owner of any Servant or Slave, shall, on receiving such

Owners of e-  
manipated  
slaves to be  
paid charge,  
on certificates  
being procur-  
ed, &c.

Quakers, emancipate and set at Liberty such Servant or Slave, he, his Heirs, Executors and Administrators, shall be forever discharged from any Charge or Cost, which may be occasioned by maintaining or supporting the Servant or Slave, made free as aforesaid; any Law, Usage or Custom, to the contrary notwithstanding.

*And whereas sound Policy requires that the Abolition of Slavery should be effected as far as may be, consistent with the Rights of Individuals, and the public Safety and Welfare.* Therefore,

*Be it enacted by the Authority aforesaid.* That no Negro or Molatto Child, that shall, after the first Day of March One thousand seven hundred and eighty-four, be born within this State, shall be held in Servitude, longer than until they arrive to the Age of twenty-five Years, notwithstanding the Mother or Parent of such Child was held in Servitude at the Time of its Birth; but such Child, at the Age aforesaid, shall be free; any Law, Usage or Custom to the contrary notwithstanding.

All born after  
1st Mar. 1784  
to be free at  
the age of 25.

### An Act for forming, ordering, and regulating Societies.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the settled and approved Inhabitants, qualified as is hereafter in this Act provided, in each respective Society made, or that shall be made, and constituted by this Assembly, shall meet and assemble together, annually, some time in the Month of December, or in any other Month in the Year, as they shall judge most convenient; at some Place in such Society, according to the Notice thereof, to be given them at least five Days before such Meeting, by the Committee, for ordering the Affairs of the Society, or for want of such Committee, by the Clerk of the Society.

Inhabitants to  
meet annual-  
ly, &c. on  
five days no-  
tice.

And the Inhabitants being legally assembled, are empowered by the Vote of the major Part of them present, to choose a Moderator, a Society Clerk, and three or more discreet, able Inhabitants, to be a Committee to Order the Affairs of the Society for the Year ensuing; which Clerk shall take the Oath by Law provided for Society Clerks; and being so qualified, shall have the same Powers and Authorities, as to the Business of the said Society, as the Town Clerks have in the respective Towns; and his Doings shall be as effectual in Law; And the said Society Clerk, being chosen and sworn, shall continue, in his Office until another be chosen and sworn in his Room.

To choose  
moderator,  
clerk and  
committee.

Clerk to be  
sworn.

Also society  
treasurer.

And also to choose a Society Treasurer, who shall be under the same Regulation, and have the same Power and Authority in said Societies, as Town Treasurers have in their respective Towns.

And also the said Inhabitants, in their lawful Meetings, by their major Vote, as aforesaid, shall have Power to grant, and lay such Rates and Taxes, on the Inhabitants of such Society, and others by Law ratable by such Society, for the raising such Sum or Sums of Money, as may be needed for the Support of the Ministry, and School there; and other Matters necessary for them to do; and to appoint Committees for such Purposes as their Occasions call for, as the Law directs: And to choose and appoint a Collector or Collectors for the gathering such Rates and Taxes. And every Collector so chosen that shall refuse to serve, shall suffer the same Penalty as is provided by Law in Case of Town Officers refusing to serve in the Offices to which they are chosen.

To grant  
rates and levy  
taxes.

That when any Society or Societies are legally set off in any Town or Towns in this State; whereby such Town or Towns are divided into separate Societies, such new Society so set off, and also the remaining Part or first Society in any Town may, in order to their being formed and furnished with proper Officers, warn their first Meeting in the following Manner, viz. An Assistant or Justice of the Peace, together with three principal Inhabitants

Google

New societies how warned to meet the first time.

in any such first Society, or in any such other Society set off as aforesaid, shall grant a Warrant under their Hands, to some proper Person by them deputed, to warn all the Inhabitants in the Limits of such first or other Society, to meet together at such Time and Place as they shall appoint : The said Warning to be given five Days before such Meeting ; and being so met, shall and may act and do all and every Thing lawful and proper for a Society to do as before in this Act is provided.

Such inhabitants as have the gospel preached for certain months, &c.

Their privileges and power.

That such Inhabitants of Towns and Societies as have obtained or hereafter shall obtain Liberty of the General Assembly to procure, and have the preaching of the Gospel among themselves for certain Months in the Year, distinct and separate from the established place of Worship in such Town or Society to which they belong, shall and may, when and so often as there may be Occasion, meet together at such Time and Place as shall be appointed, and according to the Notice thereof to be given them at least five Days before such Meeting, by their Committee, or for want of Committee, by one of the said principal Inhabitants ; and being so assembled, may choose a Clerk to enter their Votes, and also a Committee of three or more able, discreet Men, of the Inhabitants aforesaid, to order the prudential Affairs of such Precincts, for the said aforesaid ; and may by their major Vote in such their Meetings, grant and lay such Rates and Taxes on the said Inhabitants as shall be needful for the support of the Minister whom they shall procure to preach with them for such Time, and for other necessary Charges arising among them ; and to appoint a Collector or Collectors for the gathering such Rates : Who shall have the same Power to proceed in Collecting the same as Collectors of Societies have, and shall be accountable therefor in the same Manner as Collectors of Society Rates by Law are.

*And for the preventing Disputes about the Votes made in Society Meetings, and for the determining the Qualification of Voters therein.*

Who have right to vote.

*Be it further enacted by the Authority aforesaid,* That no Person shall presume to vote in any Society Meeting, aforesaid, unless such Person hath a Freehold in the same Town or Society, rated at *fifty Shillings, or forty Pounds* in the common List, or is a Person of full Age, and in full Communion with the Church ; nor shall any Person who is or shall be by the Laws of this State, freed or exempted from the Payment of those Taxes, granted by any Town or Society, for the Support of the Worship, and Ministry of the presbyterian, congregational or consociated Churches, in this State, and for the building and maintaining Meeting-Houses for such Worship, on Account or by Reason of his dissenting from the Way of Worship and Ministry, aforesaid, be allowed or admitted to act or vote in any Town or Society Meeting, in such Votes which respect or relate to the Support of the Worship and Ministry, aforesaid, and the building and maintaining of the Meeting-Houses aforesaid.

Acts valid without, &c.

And the Acts and Votes of such Town and Society Meetings, passed without computing Persons not qualified as above is expressed, and the Acts and Votes, respecting the Support of the Worship and Ministry, and Meeting-Houses aforesaid, made and passed without computing the Votes of such exempt Persons, shall be deemed and accounted the Acts and Votes of such Town and Society ; any Law, Usage or Custom, to the contrary in any wise notwithstanding.

Society clerks, &c. refusing, others to be chosen.

*And be it further Enacted,* That upon the Refusal, Death or Removal, of any Society Clerk or other ordinary Society Officer in any Society in this State, such Society may assemble together, and choose a New to fill up such vacant Place.

*And be it further enacted by the Authority aforesaid,* That the Fines by Law inflicted on Persons chosen to any society Office, and who do not accept or execute such Office, shall be paid to the Treasury of such society ; and shall be

recovered by Action brought in the Name of the Committee of such Society ;  
any Law, Usage, or Custom to the contrary notwithstanding.

And be it further enacted by the Authority aforesaid, That if any Person, <sup>Penalty on</sup>  
who is not duly qualified according to this Act. to vote in any Society Meet- <sup>unqualified</sup>  
ing, shall adventure to act, deal or intermeddle, or presume to vote in any So- <sup>voters, &c.</sup>  
ciety Meeting, for the choice of Officers, granting of Rates, or any other Affairs  
whatsoever, such Offender shall forfeit the Sum of *fifteen Shillings*, for every  
such Offence ; to be levied by Distress and Sale of the Offender's Goods ; one  
Half thereof to the Complainer, who shall prosecute to Effect, the other Half  
to the Treasurer of such Society wherein said Offence is committed.

And be it further enacted by the Authority aforesaid, That where two or more <sup>Where socie-</sup>  
Societies, constituted by Act of the General Assembly, have the same Limits <sup>ties are not</sup>  
and Boundaries, the Members belonging to each shall be designated by inrol- <sup>distinguishing</sup>  
ling their Names with the Clerk of the Society to which they respectively be- <sup>by local li-</sup>  
long ; and it shall be the Duty of the said Clerks to inrol the same accordingly. <sup>imits, to be</sup>  
<sup>designated by</sup>  
<sup>enrollment.</sup>

And all Persons who shall arrive at the Age of Twenty-one Years, or Wo- <sup>In case they</sup>  
men who shall become Widows, dwelling within the Limits of such Societies, <sup>make no elec-</sup>  
shall have Liberty at any Time within twelve Months after said Times respec- <sup>tion, how to</sup>  
tively, to elect which Society they will belong to : And all Persons that shall <sup>be considered,</sup>  
come from any other Place, to dwell within the Limits of such Societies, may <sup>&c.</sup>  
at any Time elect which Society he or they will belong to ; which Election  
shall be manifested by causing his or their Name or Names to be inrolled with  
the Clerk of the Society to which they join : And in case of Non-election  
within the Time limited by this Act, the Persons brought up within said Li-  
mits shall belong to that Society to which their Parents belonged, (if they  
dwelt there) otherwise to the Society to which the Head of the Family in which  
they were brought up, belonged ; and Widows, to the Society to which their  
Husbands did belong : And Persons who come from any other Place to dwell  
there, shall be taxed by the Society lowest in the List within such Limits, which  
support the Ministry by taxing, until they make their Election, as aforesaid.

And all Persons who have or shall become legal Members of any such Socie- <sup>To continue</sup>  
ty, shall continue Members of the same, during their Continuance within the <sup>to that socie-</sup>  
Limits thereof, unless released by Act of the General Assembly, or Vote of <sup>ty whereof</sup>  
such Society, and joining to another Society within the same Limits ; which <sup>they are legal</sup>  
Release such Society is hereby authorized to grant, by a legal Vote in their <sup>members, un-</sup>  
Meeting, if they think fit, on Application of any Person desiring the same. <sup>less, &c.</sup>

Provided, That nothing in this Act shall affect the Privileges allowed by  
Law to any Persons who soberly dissent from the Worship and Ministry esta- <sup>Proviso:</sup>  
blished by the Laws of this State.

## An Act appointing Stocks to be made and maintained in the several Towns in this State.

**B**E it enacted by the Governor, Council and Representatives, in General Court Towns to  
assembled, and by the Authority of the same, That every Town in this provide  
State shall make and maintain at their own Charge, a good pair of Stocks, stocks.  
with a Lock and Key, sufficient to hold and secure such Offenders as shall be  
sentenced to be fet therein.

And if any Town shall at any Time be without a pair of Stocks, as afore-  
said, the Select-men of such Town shall forfeit the Sum of *six Shillings* to the <sup>Penalty for</sup>  
County Treasury, and so the same Sum for every Month such Town shall be <sup>neglect, 6s.</sup>  
defective therein : to be heard and determined by one Assistant or Justice of the <sup>Peace ;</sup>  
Peace ; or by the County Court, when the Forfeitures amount to a Sum above per month.  
the Cognizance of an Assistant or Justice of the Peace.

An Act concerning Strays and lost Goods.

**B**E it enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That whosoever shall take up any stray Beast, or find any lost Goods, being worth *two Shillings*, whereof the Owner is not known, he shall carry a true description of such stray Beast or lost Goods, with the natural and artificial Marks thereof, to the Register of the Town where such Goods or Beast were found, within fourteen Days after the finding such Goods or Beast; who shall register the same, with the Name of the Person in whose Keeping such Goods or Beast shall be; to the End the Owner thereof, by applying to said Register may have Notice thereof; upon Penalty that the Person so finding or keeping such Goods or Beast, and failing of his Duty therein shall, for such Default, forfeit the Value of such lost Goods or stray Beast; one half to the Complainer and the other Half to the Town Treasury.

And if the Owner shall appear within six Months after the registering such lost Goods or stray Beast, and make good his Title and Claim, he shall have Restitution of the same, he paying all necessary Charges for the Pains and Care taken about such Goods or Beast, as the next Assistant or Justice of the Peace shall adjudge.

And if no Owner shall appear within the said six Months, the Register aforesaid shall appoint two Freeholders, who shall under Oath appraise said Goods or Beast, according to the then present true and just Value thereof in Money.

And if the Owner shall appear within six Months next after such Appraisement, and make good his Title and Claim, as aforesaid, and pay all necessary Charges for the Pains and Care taken about such Goods or Beast to that Time, (to be adjudged of as aforesaid) he shall have Restitution of the same, or the Value thereof, at the Election of the Finder, according to the Appraisement aforesaid.

And if no Owner shall appear within twelve Months and a Day, after the registering of such lost Goods or stray Beast, the Value thereof, according to the Appraisement aforesaid, shall, after all just Dues to the Keeper, Finder, and Register are defrayed, be to the Use of the Treasury of the Town where such Goods or Beast were found.

And the Select-men of such Town are hereby fully impowered to recover and receive the same for the Use of said Town.

*Always provided*, That the Keeper of such lost Goods or stray Beast, being faithful in his taking Care of them, such Goods or Beast shall be at the Risque of the Owner thereof, during the first six Months after such Goods or Beast are first registered.

And that no Beast shall be taken up as a Stray, except it be found in a suffering Condition.

Strays or lost goods found, how to be proceeded with, &c.

On penalty of, &c.

Owners appearing in six months, &c. to have restitution.

Otherwise to be appraised.

No owners appearing in six months after, how disposed of.

Or 12 months then, &c.

Select-men to recover, &c.

Provido.

No stray to be taken up unless, &c.

An Act to enable the Subjects of his Most Christian Majesty, to transfer and settle such of their Estates and Property as is or shall happen to fall within this State.

**WHEREAS** the Congress of the United States of America, on the 14th of January, 1780, did Resolve, That it be recommended to the Legislatures of the aforesaid United States, to make Provision, where not already made, for conferring on the aforesaid Subjects of his Most Christian Majesty, the Privilege of disposing and settling their Estates, agreeable to the Form and Spirit of the thirteenth Article of the Treaty of Amity and Commerce between his Most Christian Majesty and the United States of America;

Preamble.

Surveyors.

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**B**E it therefore enacted by the Governor, Council and Representatives, in General Court assembled, and the Authority of the same, That the Subjects of his Most Christian Majesty shall be, and they are hereby empowered to transfer and dispose of such of their Estates and Property as shall happen to be within the Limits of this State. And that the Estate and Property of such of said Subjects as are or may be deceased, being within the State aforesaid, shall descend to, and become the Estate of the Heirs and legal Representatives of such deceased Person, according to the Laws, Usage and Custom of the Kingdom of France, relative thereto; and such Estate so descending shall and may be settled agreeable to the Laws that are or shall be made relative thereto without being obliged to obtain Letters of Naturalization: And that the aforesaid Subjects of his Most Christian Majesty, shall have, hold and enjoy on their Part, within this State, the Privileges and Immunities mentioned in said Articles of Treaty, according to the Form and Spirit thereof.

Privileges granted to the subjects of his most christian majesty.

An Act for appointing County Surveyors in the several Counties; and for directing and regulating them in the Execution of their Office.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That there shall be appointed by the General Assembly, from Time to Time, as there shall be Occasion, one or more Persons in each County in this State, to be Public, or County Surveyor or Surveyors for laying out of Lands, and for the renewing of the Bounds of Lands already laid out, according to their original Grants, as Need shall require; and for the running of Lines, and other Services proper for a Surveyor to do; who shall be sufficiently skilled in the Surveyors Art, and be furnished with Instruments suitable and sufficient for that service. Each of which Surveyors shall take the Oath by Law provided for them: And being appointed and qualified as aforesaid, shall have full Power and Authority to execute said Office in the respective Counties for which they are or shall be appointed.

One or more surveyors for each county.

That when and so often as any County Surveyor shall be employed in laying out any Grants of Land, renewing Boundaries that are lost, or running any Lines, or doing any Service in his Office, and there be occasion for carrying the Chain to measure the lines, that the Men employed to carry the Chain shall take the Oath by Law appointed for them: Which Oath such Surveyor is hereby fully empowered to administer to such Chainmen as he calls to his Assistance, as aforesaid.

Chainmen to assist.

That when a County Surveyor is called out to run any Line between adjoining Proprietors, and that in order to find the Course from Boundary to Boundary, he is obliged to run a random Line to find the certain and true Course, and in so doing, runs on the Land of adjoining Proprietors, such Surveyors shall not be deemed guilty of Trespases in so running such random Line; but may lawfully do the same. Provided, He do said Service in either of the Months of March, April, October, or November.

No trespass, &c.

Provided

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall by any Way or Means oppose, hinder or interrupt any County Surveyor in the due Execution of his Office, as aforesaid; or shall by any Way or Means oppose, hinder, or interrupt any Committee appointed by the General Assembly to run, fix, or ascertain the Bound Line between particular Townships or Proprietors, or for other Business, or any other Person by them employed to assist in the running and fixing any such Lines, or do

Penalty for assisting surveyors in the execution of their office.

ing any other Business such Committee are appointed to do, every such Offender shall incur the Penalty of *Five Pounds*, and be bound to his good Behaviour, with one or more Sureties, at the Discretion of the Court that hath Cognizance of such Offence: The one Moiety of which Penalty to be to the Treasurer of the County wherein the Offence is committed, and the other Moiety to the Prosecutor.

### An Act against profane Swearing and Cursing.

Penalty for swearing, &c. 6s.

If unable to pay, &c. to be set in the stocks.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That if any Person within this State shall swear rashly, vainly or profanely, either by the holy Name of God, or any other Oath: Or shall sinfully and wickedly curse any Person or Persons, such Person so offending, shall upon Conviction thereof before any Assistant or Justice of the Peace, forfeit and pay for every such Offence the Sum of *six Shillings*.

And if such Person or Persons so convicted, shall not be able, or shall refuse to pay the aforesaid Fine, he or they shall be set in the Stocks, not exceeding three Hours, and not less than one Hour for one Offence, and pay Cost of Prosecution.

### An Act for restraining Swine from going at large.

Swine not to run at large, &c.

Proviso.

Proviso.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That no Swine shall be allowed to go at large on the High-ways, or Commons in this State; and if any Person or Persons, shall allow their Swine to go at large on the High-ways or Commons aforesaid, it shall be Duty of the Haywards in the several Towns in this State, and it shall be lawful for any other Person or Persons, to impound such Swine; and the Owner or Owners of such Swine, shall pay the Poundage thereof, by Law allowed, before they are released out of Pound.

*Always provided*, That every Town in this State shall have Liberty to agree otherwise, in their own Precincts, respecting the Swine in such Town.

*Provided nevertheless*, That if the Swine (of such Town so agreeing) shall at any Time come within the Bounds of any other Town, they shall in all Respects be under the Regulation of this Act, as fully as if no such Agreement had been made; unless such other Town whereinto such Swine shall come as aforesaid, shall also agree as aforesaid.

### An Act for licensing and regulating Houses of public Entertainment; or Taverns; and for suppressing unlicensed Houses.

Tavern-keepers when and how nominated.

**B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That the Civil Authority, Select-men, Constables and Grand-jury-men, in the respective Towns in this State, shall some Time in the Month of *January* annually, convene together and nominate the Person or Persons whom they, or the major Part of them think fit and suitable to keep an House or Houses of public Entertainment in the said Town, for the ensuing Year: And if any of the Persons so nominated shall die, or refuse or neglect to take out Licence, or be denied Licence by the County Court, or shall remove from the Place where he dwelt when nominated, or shall be legally suspended; or in case the Authority and other Officers shall judge it to be of public Convenience and Necessity to add to the Number so nominated in *January*; in either of said Cases they may convene on proper Notice, and nominate any suitable Person or Persons for the Purpose aforesaid, at any

Taverns.

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Time within the Year: Which Nomination shall be sent by them to the next County Court in that County, certified under the Hands of a majority of the Civil Authority, and of the Select-men in such Town; which Court shall grant Licences to such Persons nominated, or to so many of them as said Court shall judge to be suitable and necessary to keep Houses of public Entertainment, and to no others; which Licences granted to the Persons nominated in January, shall be in Force for one Year, and no more; and the Licences granted to the Persons afterwards nominated, shall expire at the same Time as those granted to the Persons nominated in January: And the said Court shall take a Bond to the Treasurer of the County, in the Sum of Twenty Pounds, of every Person to whom such Licence shall be granted, for the due Observance of all the Laws that are or shall be made respecting Tavern-keepers, or Houses of public Entertainment.

County court to grant licences.

And if it shall so happen that any Town be destitute of Civil Authority in it, at the Time of such Nomination, the said Nomination in such Town shall be made by the abovesaid Town Officers.

Bonds to be taken.

Nomination to be made if no authority present.

Be it further enacted by the Authority aforesaid, That no Person or Persons licensed as aforesaid, shall suffer any, either Men's Sons under Age, or Apprentices, Servants or Negroes, to sit drinking in his or her House, or to have any Manner of strong Drink there, without special Order or Allowance of their respective Parents or Masters; on Pain of forfeiting the Sum of six Shillings for every such Offence.

Penalty for suffering children and servants to sit drinking, &c.

Nor shall any such licensed Person or Persons allow or suffer any Heads of Families, or single Persons being Boarders, or Sojourners, or any young Persons, or other Inhabitants whatsoever under the Government of Parents, Guardians or Masters, (Strangers and Travellers only excepted) to convene and meet together in Company or Companies in his or her House, in the Evening next before or next following the Lord's Day, or any public Day of Fasting; on Pain of forfeiting the Sum of forty Shillings for every such Offence.

Nor young people or other inhabitants sabbath day or fast day evenings, on penalty.

Always provided, That if such licensed Person shall make it appear on Trial, to the Satisfaction of the Court, that he or she did, at the Time of the Meeting of such Persons, as aforesaid, in his or her House, forbid their Continuance there; and on their Refusal immediately to depart, did also apply to the next Authority, or Constable in the Place, to break up such disorderly Meetings, that then such licensed Person or Tavern-keeper shall be excused from said Penalty for that Time.

Provide,

That if any Inhabitant or Person belonging to any Town, shall be found in any Tavern or licensed House in such Town at any Time, either in the Night next before, or the Night next after the Lord's Day, or after nine of the Clock in any other Night, except such Person or Persons shall satisfy the Authority before whom they may be brought, that there was a proper Reason, or an extraordinary Occasion for their being there at such Time) and be thereof convicted before such Authority, shall incur the Penalty of Three Shillings.

Penalty for any person found in a tavern after of the clock on &c.

That the Constables (or any other Person having a special Warrant from Authority for that End) shall have Power, and they are each of them hereby empowered to enter into and search any Tavern or licensed House; and for that End to require Assistance, and to break open any Lock or Door, as he shall judge there is Occasion; and shall command and cause any Inhabitant or Person belonging to the Town where such House is, who shall be found there, contrary to this Act, to depart forthwith: And all such Persons as shall refuse to depart on a Command so given them, shall and may be arrested by such Constable, or Person having such special Warrant, and safely kept till they can be brought before an Assistant or Justice of the Peace: And upon Conviction of the Breach of this Act, shall suffer the Penalty of Six Shillings.

Constable &c. to &c.

No taverner to allow inhabitants to sit drinking in his house, &c.

Nor shall any Tavern-keeper suffer any Inhabitant of such Town where he dwells, or coming there from any other Town, to sit drinking or tipping in his or her House, or any of the Dependencies thereof, or to continue there above the space of one Hour at one Time, (Travellers, Persons upon Business, or any extraordinary Occasions there, excepted) on the Penalty of Six Shillings for every such Offence such Tavern-keeper shall be guilty of.

Tavern-haunters to be posted, &c.

Be it further enacted by the Authority aforesaid, That when and so often as the Authority, Select-men and Grand-jury-men in any Town, or where there is no Assistant or Justice living in any Town, the Select-men and Grand-jurors shall understand that any Person in such Town is a Tavern-haunter, or spends his Time idly at any such House of Entertainment, they, or the major Part of them shall, at their Discretion, cause the Names of such Tavern-haunters to be posted at the Doors of every Tavern in the same Town, by setting up a Certificate under their Hands, forbidding every Tavern-keeper in such Town, on the Penalties contained in this Act, to entertain, or suffer any such Person or Persons therein named, to have or drink any strong Liqueur in, or about their Houses, until such Authority, Select-men and Grand-jurors shall agree to take off such Prohibition.

Penalty on Tavern-keepers.

And that if any Tavern-keeper shall, after such Posting of any Person's Name, and Notice thereof given by any of the said Select-men or Grand-jurors, suffer or permit any Person posted as aforesaid, to drink any Rum, Wine, or other strong Liqueur in or about his House, or in any of the Dependencies thereof, he shall pay as a Fine, the Sum of Three Pounds.

Tavern-haunters to find sureties, &c.

And in case the Person or Persons warned as aforesaid, shall not after such Warning, leave off and forbear such their evil Practices, the Authority shall cause such Person or Persons to appear before them, and demand Surety for their well-behaving therein; and in case such Person or Persons shall not find Sureties as aforesaid, then he or they shall each one pay a Fine of twenty Shillings, or sit in the Stocks for the Space of two Hours, on some public Time or Season.

Constables Duty to inspect, &c.

Be it further enacted by the Authority aforesaid, That the Constables and Grand-jurors in each Town shall, and they are hereby required carefully to inspect all Taverns or licenced Houses in such Town, and make due Presentment to the Civil Authority of all Persons who shall be found transgressing this Act, or any Part thereof; and also warn all Tavern-keepers to observe this Act and all other Laws respecting the Regulation of licenced Houses; and that they do not entertain any of the Inhabitants of the Town where they dwell contrary to Law.

Tavern-keepers not observing the laws to be presented to the county court, &c.

And if the said Officers shall find that such Tavern-keepers do not observe the Laws aforesaid, nor keep due order, then they shall make Presentment thereof to the next County Court in the County at their first sitting; and such Court shall cause the Person so presented forthwith to appear before them, to answer to such Presentment: And if upon Trial such Tavern-keeper be found guilty, the Court shall enter up Judgment for the Forfeiture of the Bond given, or procured to be given by such Person, for his or her due observance of the Laws respecting Tavern-keepers, and for Costs: And such Person shall forthwith before said Court, enter into a Bond of Twenty Pounds, in the Tenor of the former Bond, which shall also be prosecuted in like Manner, in case of Forfeiture.

When a presentment is made, &c.

And that whensoever in a Presentment made as aforesaid, it shall be inserted that the Person presented had been warned as aforesaid, by such Constable or Grand-jurors, such Presentment shall be sufficient Evidence that such warning was given: And the Officers making such Presentment shall be ordered by said Court to attend the Trial, and be allowed to give Evidence for the Proof of the Disorders complained of; and shall by said Court be allowed a meet Remuneration for their Trouble and Charge.

Be it further enacted by the Authority aforesaid, That it shall be the Duty of

**The Civil Authority and Select-men of the several Towns in this State,** to inspect the Conduct of the Taverners or innholders within their respective Duty of the Towns; and when it shall appear to them by their own Observation, or the civil authority or information of any Informing Officer or otherwise, that any such Tavern-keeper does not duly observe the Laws for regulating Houses of public Entertainment, but suffers Disorders and Irregularities to be practiced in his or their Houses, contrary to Law; such Authority and Select-men, or the major Part of them, are hereby authorized and directed to cite such Tavern-keeper before them, and examine into the Matters alledged or complained of, by any proper Evidence; and on finding such Tavern-keeper in Fault, may duly admonish him or them for such Misconduct; or as the Case may be, they may, and are hereby empowered to suspend such Tavern-keeper's Licence until the next Session of the County Court, of the County wherein such Tavern-keeper dwells; and shall cause a Copy of such Order of Suspension to be left with such Tavern-keeper, and thereupon such Tavern-keeper's Licence shall be wholly suspended accordingly; and his or her House under the same Restraints in that Behalf, as other unlicensed Houses by Law are.

*And be it further Enacted,* That said Authority and Select-men shall certify their Doings to said County Court, and said Court are authorized, upon due Application by such Tavern-keeper, to consider said Cause, and may remove said Suspension, or continue the same until the Expiration of the Year for which such Licence had been granted, as on due Enquiry shall appear to be just and reasonable; and if no such Application shall be made to said Court, such Suspension shall remain and continue in Force until the Expiration of the Year, as aforesaid.

*And be it further Enacted,* That in all Prosecutions on this Act before such Authority and Select-men, wherein such Tavern-keeper shall be found in fault and suspended, he shall pay reasonable and necessary Costs, to be taxed by one or more of said Civil Authority, who are also empowered to grant Execution accordingly; but if such Tavern-keeper shall not be found in fault and suspended, such Cost shall be taxed as aforesaid, and paid out of the Town Treasury.

*Be it further enacted by the Authority aforesaid,* That no Tavern-keeper, or Person licensed as aforesaid, to keep a public House of Entertainment, shall be allowed to bring any Action against any Person whatsoever, to recover of such Person any Sum or Sums of Money, or any other Thing whatsoever, for any kind or quantity of Drink, sold to such Person and drank in such House; unless the same be brought within two Days after such Sale and Drinking; unless the Person was a Traveller or Boarder at such House.

*And whereas divers disorderly Persons sometimes take upon them, and presume to sell strong Liquors by retail in small Quantities without Licence, and keep tippling Houses, to the promoting of Tippling, Drunkenness, Idleness, and many other Immoralities; and to the great Prejudice of Persons orderly licensed, and under the Regulation of Law, for the Entertainment of Travellers and others legally and orderly requiring the same.*

*Be it further enacted by the Authority aforesaid,* That no Person or Persons whatsoever, dwelling in this State, (except such as have a Licence from the County Court of the County in which they dwell, for keeping a Tavern or as have a public House of Entertainment, as is in this Act provided) shall be a common Victualler, Innholder, Taverner, or Seller of Wine, Beer, Ale, Cider, or any other strong Liquors, privately, by a less Quantity than a Quart of Wine, Rum, or other such strong Liquors, or a Gallon of Mithbeğin, Cider, Beer, or such like Drink, and that delivered and carried away all at one Time, on the Penalty of forfeiting and paying the Sum of *three Penns.* for the first Offence; and the Sum of *six Penns.* for the second Offence: And so double for every Breach

of this Act he shall be convicted of: Which Fines shall be disposed of, Half to him that complains and prosecutes to Effect, and the other Half to the Town Treasury.

Taverners to prosecute &c.

And it is especially recommended to those who keep licensed Houses, to prosecute the Breaches of this Paragraph of this Act.

Persons guilty of keeping tipling house, &c. how punished.

And when any Person shall be duly convicted of keeping a tipling House, or of selling strong Beer, Ale, Cider, Perry, Metheglin, Wine, Rum, or mixt Drink, or any strong Drink whatsoever, by Retail in small Quantities, as aforesaid, without Licence first had and obtained for the same, shall be unable to satisfy the Fine imposed by Law for such Transgression, together with the Charge of Prosecution; or shall not pay such Fine and Charges, and likewise give Bond for their good Behaviour, if it be a second Conviction, within the space of twenty four Hours next after Sentence declared, it shall and may be lawful for two Justices of the Peace, or the Court before whom the Conviction shall be, to order such Offender to be publicly whipt on the naked Body, not less than ten, nor exceeding fifteen Stripes, for one Offence; and to restrain the Offender in Prison till such Fine and Charges are paid, or the corporal Punishment be inflicted.

One credible witness sufficient to convict.

And the Oath of one credible Witness shall be sufficient to convict any Person of retailing strong Liquor, as aforesaid, contrary to this Act.

Grand-jury men to search &c.

And be it further enacted by the Authority aforesaid, That the Grand-jury men in the respective Towns in this State, shall from Time to Time make diligent Search and Enquiry after all Persons who are reputed to sell or vend strong Liquor by retail in small Quantities, as aforesaid, without Licence, as aforesaid obtained, and make Presentment of all such Persons to the next Assizes or Justice of the Peace; which Assistant or Justice shall by a proper Warrant cause such Person or Persons so presented, to appear before him, and cause him or them to give Bond with Surety, to the Value of ten Pounds, that he or they will not sell or vend any strong Drink by retail in small Quantities, as aforesaid, without Licence first had and obtained, and be of good Behaviour until the next County Court in that County; and also appear before the said Court and take up said Bond, unless said Court shall see cause to continue the same, which the Court may do if they judge proper.

Refusing to give bond, to be committed.

And if any such Person or Persons shall refuse to become bound as aforesaid, the Authority before whom he or they shall be brought, shall by Mittimus commit such Person or Persons to the common Gaol in that county, there to remain at his or their own Charge, till he or they will give Bond as aforesaid.

Bond to be forfeited, in case, &c.

And that if such Person or Persons giving Bond as aforesaid, shall at any Time after the giving such Bond, be presented to the County Court of that County by the Grand-jury, on Suspicion of retailing strong Drink in small Quantities without Licence as aforesaid, such Presentment shall be taken by the Court to be sufficient Evidence against the Persons so presented to convict him, her or them of the Forfeiture of such Bond or Recognizance; unless he or she shall be acquitted by a jury of twelve lawful Men of the Neighbourhood, declaring upon their Oaths that they believe such Person is not guilty; which Jury the Party, at his Desire and Charge may have the Advantage of.

### An Act for the Punishment of Theft.

Persons guilty of theft, how punished. Forfeit three fold the value, &c.

BE it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That whosoever shall steal or purloin any Money, Goods or Chattels and be thereof convicted, by Confession or other sufficient Evidences; every such Offender shall forfeit and pay treble the Value of the Money, Goods or Chattels so stolen or purloined unto the Owner or Owners thereof; and be further punished by Fine, at the Discretion of the

Court, Assistant or Justice that hath Cognizance of such Offence, not exceeding *forty Shillings*: And if the Value of the Money, Goods or Chattels so stolen, amount to the Sum of *twenty Shillings*, such Offender stealing the same to that Value, shall besides the aforesaid Forfeitures, be further punished by whipping, not exceeding ten Stripes for one Offence. And whoever shall steal or purloin any Money, Goods or Chattels of the Value of *five Shillings*, or of any greater Value under the Value of *twenty Shillings*, and be thereof duly convicted, and shall refuse or not be able to pay the Fine imposed, shall be punished by whipping on the naked Body at the Discretion of the Court, Assistant or Justice of the Peace, not exceeding ten Stripes.

And if any such Offender be unable to make Restitution, or pay such threefold Damages, such Offender shall make Satisfaction by Service: And the Prosecutor shall be, and is hereby empowered to dispose of such Offenders in Service to any of the Subjects of the United States, for such Term as he shall be assigned to such Prosecutor by the Court, Assistant, or Justice before whom the Prosecution shall be.

And if any Person or Persons shall conceal any Theft, (except the Fact be private, or committed by some Member of his own Family) or shall receive and conceal any stolen Goods, knowing them to be such; he or they, so receiving and concealing, shall and may be proceeded against as Principals, although the Person or Persons who committed the Theft be not thereof convicted, as principals. Law, Usage or Custom to the contrary notwithstanding.

And that every Assistant or Justice of the Peace in the County, where such Offence is committed, or where such Offender is apprehended, is hereby authorized and empowered to hear and determine all Offences against this Act, wherein the Value of the Things stolen doth not exceed the Sum of *forty Shillings*.

And be it further enacted by the Authority aforesaid, That whosoever shall feloniously take and steal any Horse or Horses within this State, and be thereof duly convicted, shall pay and satisfy to the Owner of such Horse or Horses treble the Value thereof, and also pay as a Fine to the Treasurer of this State the Sum of *ten Pounds*, and be further punished by being publicly whipped on the naked Body not exceeding fifteen Stripes, and be confined in a Work-House or House of Correction not exceeding three Months; there to kept to hard Labour, and be further whipped on the first Monday of each Month, not exceeding ten Stripes each Time, and shall be set astride on a wooden Horse before each Whipping as aforesaid, not exceeding two Hours: And for Want of Estate wherewith to answer such Damages and Fine, the Court before whom such Conviction is had, may assign such Delinquent in Service, so long as they shall judge proper, to the Party injured or his Assigns, if he or they shall accept thereof, or otherwise to any of the Inhabitants of this or of any of the United States.

And to encourage the detecting such Offenders: Be it further enacted by the Authority aforesaid, That there shall be paid out of the State Treasury to the Person detecting and prosecuting such Theft, for the Theft of Horse stealing to Effect, in any Court in this State, his Costs expended in such Prosecution, not exceeding *six Pounds*.

## An Act for laying and collecting a Duty on the Exportation of Timber, &c.

WHEREAS the Exportation of great Quantities of Timber out of this State to the neighbouring Governments, may be prejudicial to the Navigation and Trade of this Government: Therefore,

BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That for all Timber or Lumber

Fined not exceeding 40s.

If 20s. value, to be whipt.

If 5s. value, in case fine not paid, to be whipt.

To be bound out in service, in case, &c.

Penalty for concealing, &c. May be proceeded with as principals.

Justice to try not exceeding 40s.

Horse stealers to pay treble the value and a fine of 10s.

To be whipt, and ride wooden horse &c.

Cost of prosecution not exceeding 6l. to be paid out of State Treasury.

Cost of prosecution not exceeding 6l. to be paid out of State Treasury.

Preamble.

Duty on exportation of timber, &c.

of the Growth of this State, that shall be shipped or loaded on-board any Vessel, in any Port, River, Harbour, Road or Place of Lading in this State, for Exportation to either of the States of *Massachusetts, New-York, Rhode-Island, or New-Hampshire*, shall be paid a Duty for the Use of this Government, as follows, viz.

*Eight Shillings* for each Thousand of Barrel Staves. *Ten Shillings* for each Thousand of Hoghead Staves. *Fifteen Shillings* for each Thousand of Pipe or Butt Staves. *Fifteen Shillings* for each Thousand of Hoghead Heading. *Eight Shillings* for each Thousand of Barrel Heading. *Ten Shillings* for each Ton of Ship-Timber. *Three Shillings* for every Hundred Feet of two Inch Plank, and so proportionably for Plank of thicker or thinner Size. *One Shilling and Six-pence* for every Hundred Feet of Boards. And *Ten Shillings* for every Cord of Bark. And so proportionably for lesser Quantities.

And for all Timber or Bolts suitable for Staves or Heading, at the same Rate as aforesaid; to be estimated according to the Number each Timber or Bolt is sufficient to make when rived.

*And that the said Duties may be effectually collected and paid;*

*Be it further enacted by the Authority aforesaid,* That the several Duties laid by this Act, shall be paid to, and collected and received by such Collector or Collectors of Duties, as shall be appointed by the Governor of this State for the Time being, for the collecting and receiving the same.

And the Governor is hereby fully impowered and desired to appoint and authorize from Time to Time, such and so many Collectors in the several Parts of this State, as there shall be Occasion for the Service aforesaid; out which Duties, the said Collectors shall receive *Ten per Centum* for their Trouble therein; and shall annually pay in the said Duties to the Treasurer of this State, taking his Receipt for the same.

That if any Master of a Vessel, or other Person, shall ship or take on board any Vessel, in any Port, River, Harbour, Road, or Place of Lading in this State, any Quantity or Parcel of the aforementioned Sorts of Timber or Lumber for Exportation, before Entry thereof made with, and the Duties paid to the Collector of Duties aforesaid, or Bond with sufficient Surety given, not to export such Timber or Lumber to the said neighbouring States before the Duties thereof are paid, the said Timber or Lumber so shipped or taken on board as aforesaid, contrary to this Act, or the Value thereof shall be forfeited, by the Person or Persons who ships or takes the same on Board as aforesaid; one Half thereof to the Prosecutor, and the other Half to the Treasury of this State.

That the said Timber or Lumber so shipped contrary to this Act, may be seized by such Collector or Collectors, or by Warrant from any Assistant or Justice of the Peace, and secured for Trial at the next County Court in the County where such Seizure shall be made: Which Court, upon Information thereof made, may hear and determine the same, and give Judgment for the Forfeiture, and Sale of such Timber or Lumber as shall appear to be shipped contrary to this Act.

And in case no Seizure be made, the said Court, on Information, shall give Judgment for the forfeiture of the Value of said Timber or Lumber so shipped or exported, against him or them who shipped, or took on-board, or exported the same contrary to this Act; and award Execution thereon accordingly, for the Uses aforesaid.

And if on the Trial of any such Cause, there shall arise a Dispute about the Growth of said Timber or Lumber, the burthen of Proof shall lie on him who shipped, owns or claims the same: And if no Claimer or Owner appear, or no Plea or Dispute happen about the Growth of such Timber or Lumber, it shall be presumed and taken to be the Growth of this State.

\* And when any Suit is brought on any Bond given as aforesaid, not to export any of the Timber or Lumber to any of the neighbouring States aforesaid, then and in such Case, if the Defendant shall not by the Evidence of one credible Witness at least, shew the Court before whom the Trial is, that he hath bona Fide complied with the Conditions of such Bond, Judgment shall be rendered against him for the Forfeiture of such Bond; any Law, Usage or Custom to the contrary notwithstanding.

## An Act to regulate the curing and packing of Tobacco, and to prevent Fraud therein.

*WHEREAS Tobacco is or may be a considerable Article of Exportation, and ought to be under such Regulation as to prevent Fraud therein.* Preamble.

**B**E it therefore enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That each Town in this State, wherein Tobacco is or shall be raised for Exportation, shall at their annual Town Meetings for electing Town Officers, choose two or more fit Persons to be Surveyors and Packers of Tobacco, for the Year ensuing; who shall carefully survey and search the Tobacco by them to be packed, and shall cull out and separate all such Hands of Tobacco as are in Whole or in Part damaged, in any Way or by any Means whatever; and shall pack or press no Tobacco but what is by him judged to be sound, well ripened, sufficiently cured, and every way good and merchantable. And said Packers shall be under Oath for the faithful Discharge of said Office. And the Fee to be paid by the Owner of such Tobacco shall be five Pence for every hundred Weight so searched, packed and pressed, and three Pence per Mile travel each Packer shall travel to perform said Service: And each Packer shall fairly brand each Cask or other Vessel wherein he packs Tobacco, with the two first Letters of his Name; and under them shall mark the Name of the Town wherein he dwells.

Each town to choose annually packers of tobacco.

Their duty.

To be sworn.

Fees.

That no Packer shall pack any Tobacco, which is his own Property, for Sale, nor set his Brand or Mark on any Cask or other Vessel, containing his own Property, on Penalty of forfeiting the Sum of Forty Shillings, for every Cask or other Vessel wherein he shall pack his own Tobacco for Sale, or whereon he shall set his Mark or Brand as aforesaid, one Half to the Treasurer of the Town wherein he dwells, and the other Half to him or them who shall complain and prosecute the same to Effect, with Costs of Suit.

No packer to pack his own tobacco.

And if any Person or Persons, not being a sworn Packer as aforesaid, shall presume to mark or brand any Cask, or other Vessel containing Tobacco, with the Packer's Brand or Mark; he or they shall on Conviction thereof, pay a Fine of Five Pounds; one Half to the public Treasurer of this State, and the other Half to him who shall sue for, and prosecute the same to Effect; and shall also pay to the Party injured thereby, double Damages, with Costs of Suit.

Penalty 5l.

And be it further Enacted, That whosoever shall vend, put to Sale, or ship on board any Vessel, Boat, Lighter or other Water-Carriage, any Cask or other Vessel, containing Tobacco not packed, marked and branded, according to the true Intent and Meaning of this Act, shall forfeit all such Tobacco, to him or them who shall seize the same, or cause the same to be seized, and sue for and prosecute the same to Condemnation, before any Court proper to hear and determine the same.

Tobacco not packed &c. to be forfeited.

## An Act relating to Towns and Town Officers.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the settled and appro-

Power to  
make rules &  
orders, &c.

ved Inhabitants of every Town in this State, qualified and having Estate as is hereafter in this Act provided, shall have Power to make such Orders, Rules and Constitutions as may concern the Welfare of their Town.

Provide.

Provided they be not of a criminal but of a prudential Nature, and that their Penalties exceed not *twenty Shillings* for one Offence, and that they be not repugnant to the Laws and Orders of this State.

Penalty for  
not observing  
town orders.

And if any Inhabitants shall neglect or refuse to observe, or shall any Way transgress the same, the Penalties appointed may be levied by Distress, granted by an Assistant or Justice of the Peace.

To meet in  
December  
annually.

That the said settled and approved Inhabitants, qualified as aforesaid, in each respective Town, shall sometime in the Month of *December* annually, meet and convene together, upon Notice given by the Select-men of each Town, or such others as they shall appoint for that Purpose; and being met, shall choose a convenient Number, not exceeding Seven of their Inhabitants, able, discreet and of good Conversation, to be Select-men or Towns-men, to take Care of and Order the prudential Affairs of their Town: And also shall nominate and choose a Town-Clerk or Register, (who shall enter and record all Town Votes, Orders, Grants and Divisions of Lands made by such Town, and all other Matters and Things which by Law are, or shall be ordered to be entered and recorded in his Office); also a Town-Treasurer, Constables, Surveyors of Highways, Fence-viewers, Lifters, such Number as they shall judge convenient, Collectors of Rates, Leather-sealers, Grand-jurors, Tything-men, Haywards, Chimney-viewers, Gaugers, Packers, Sealers of Weights and Measures, Key-keepers, and other ordinary Town Officers.

Town officers  
to be then  
chosen.

Select-men to  
see they are  
sworn.

And the Select-men of each Town, shall forthwith after such Choice, see that all those Officers of whom an Oath is by Law required, be summoned and sworn to the faithful discharge of their respective Offices and Trust.

Major part to  
determine.

And all Votes, Acts, and Orders in such Town-Meeting, shall be made by the major Part of the qualified Voters present in such Meeting; and being so made shall be deemed the Vote, Act, or Order of the Whole.

Penalty 26s.  
on those who  
refuse, &c.

That every Person and Persons being duly chosen as aforesaid, to serve in any of the Offices aforesaid, who shall refuse to serve therein, and to take the Oath (if any by Law be required) to that Office belonging, if he be able in Person to execute the same, shall pay the Sum of *Twenty-six Shillings* to the Treasurer of the Town whereto he or they belong; except such Person or Persons shall make it appear that he or they is, or are oppressed by such Choice, and that others are unjustly exempted. Any one Assistant or Justice to hear and determine the same.

One assistant,  
&c. to hear,  
&c.

Penalty on  
such as accept  
& neglect, &c.

And every such Officer duly chosen by any Town, as aforesaid, having accepted (or not declared his Refusal to accept) the Office he is chosen to, and that shall neglect the Performance of the Trust committed to him, and being thereof duly convicted before any one Assistant or Justice of the Peace, shall be fined according to the demerit of the Cause, not exceeding *Fifteen Shillings* for one Offence.

*And whereas oftentimes Sojourners, Inmates, young and other unqualified Persons presume to deal, vote and intermeddle with the public Affairs of the Towns where they live, and thereby disturb and interrupt the regular Proceeding in Town Meetings.*

Which to prevent:

Who qualify-  
ed, who not,  
&c.

*Be it further enacted by the Authority aforesaid, That no Person that is not a lawful Inhabitant, a House-holder, and that hath not a freehold Estate rated in the common List at Fifty Shillings, or personal Estate rated in the said List at Forty Pounds, besides his Person, and that is not of the Age of Twenty-one Years, shall be allowed to vote, act, deal or intermeddle in any Town-Meeting in the choice of Officers, granting of Rates, or any other Town Af-*

**fairs :** And if any Person or Persons not qualified as aforesaid, shall presume to vote, act, deal or intermeddle as aforesaid, contrary to this Act, every such Offender shall forfeit the Sum of *Fifteen Shillings* for every such Offence: To be levied by Distress and Sale of the Offender's Goods.

*Provided always,* That no Freeman of this State shall by this Act, be debarred or hindered from voting in any Town-Meeting of that Town whereto he belongs; any thing contained in this Act to the contrary notwithstanding.

*Be it further enacted by the Authority aforesaid,* That where there are any Precincts or Peculiars, so called, they shall in all Respects whatsoever, which have reference to State, Ministers, or other Rates, be in the same Circumstances, and liable to the like Assessments, and under the Power of the same Officers which the Towns are, where said Peculiars are by Law ordered to be rated.

*And be it further enacted by the Authority aforesaid,* That the Town-Clerks for the Time being be, and they are hereby fully authorized and empowered, in such Towns wherein there is no Assistant or Justice of the Peace resident, from Time to Time to administer the Oaths that by Law are provided for that End, unto the respective Officers of such Towns, that by Law ought to be sworn to the faithful Discharge of their said Offices.

And that Town Clerks being chosen and once sworn, shall continue in their Office until other Persons are chosen and sworn in their Room.

And that upon the Refusal, Death, or Removal of any Town Clerk, or other ordinary Town Officer in any Town in this State, such Town may assemble together and chuse a-new to fill up such vacant Place.

*And be it further enacted by the Authority aforesaid,* That the Town-Clerks in each of the respective Towns in this State, shall annually, in *May*, send to the Treasurer of the State the Names of the Persons in their respective Towns, who are chosen Constables to gather the State Rate.

And if any Town Clerk shall neglect his Duty, herein, he shall pay a Fine of *Twenty Shillings*; one Half thereof to the Complainer, who shall prosecute, to Effect, and the other Half to the Treasurer of the Town wherein such Clerk dwells.

## An Act concerning Town Clerks Office and Duty.

**BE** it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That the Town Clerk or Register of every Town in this State, shall record all Marriages, Births and Deaths of Persons in their Towns; and that all Parents, Masters, Executors, and Administrators respectively, shall bring in to the Register of the Town to which they belong, the Names of such Persons belonging to them as either shall be born or die: And also every new married Man shall bring the Time of his Marriage sufficiently proved, either by Certificate from him that married them, or by other legal Proof, to the Register within one Month after such Birth, Death or Marriage; and every Person neglecting shall forfeit *Four Shillings*; and for every Month after the said first Month, *Four Shillings* a Month where-in it is neglected.

And the Registers of every Town shall, as far as they can come at, give in an Account of all such Neglects to the Grand-jury, who shall make Presentment thereof to the next Assistant or Justice of the Peace in the County; which Forfeitures shall be paid to the Town Treasurer.

*Be it further enacted by the Authority aforesaid,* That there shall be a suitable Book or Books for registering kept in each Town in this State; with an Index or Alphabet to the same, containing the Names of the Grantors and Grantees, and also of the Grantees and Grantors in alphabetical Order; in which Book

Town Clerks.

or Books the Town Clerk or Register shall record every Man's House, and Lands granted and measured out to him with the Bounds and Quantities of the same, and date the Time of his entering all such Records.

Grantor refusing to acknowledge, &c. grantee may enter caution, &c.

And if any Grantor being required by the Grantee, his Heirs or Assigns, to make Acknowledgement of any Grant, Sale, Mortgage, or Bargain by him made, and shall refuse so to do, the Grantee, or his Heirs may enter Caution with the Recorder upon such Housing and Lands as are to him granted, bargained, sold, or mortgaged; which Caution shall secure the Interest of the Grantee till a legal Trial hath passed unto a final Issue according to Law: And the Judgment of the Court being delivered to the Recorder, under the Clerk of the Court's Hand where the Case was tried, shall be his Warrant to record the said Grant, although the Grantor shall refuse to acknowledge the same: And a Copy of the same under the Hand of the Register or Town Clerk, and an Assistant, or Commissioner, or Justice of Peace, and one of the Select-men, shall be a sufficient and legal Evidence to all and every Person and Persons that shall have the same, to all Intents, Ends and Purposes for the holding of the same firm to him, his Heirs and Assigns forever.

Proviso.

*Always provided,* That no Register shall record any Lands to any Person except he hold the same in his own Right, and make it appear to the Clerk or Register, that he hath clear Right to those Lands by sufficient Testimony, quiet Possession, Deed of Gift, or Acknowledgement of the Grantor before the said Register.

*And to prevent Inconveniencies and unnecessary Trouble that may ensue by unwritten Grants, Bargains, Sales, or Mortgages:*

Deeds, &c. to be written, signed, and witnessed.

*Be it further enacted by the Authority aforesaid,* That after the first of May One Thousand six Hundred and Sixty-one, all Grants, Bargains, Sales, and Mortgages made of Houses and Lands shall be in Writing and subscribed by the Grantor, with his own Hand or Mark, unto which Mark his Name shall be annexed, and also attested by two Witnesses, with their own Hands or Marks, unto which Marks their Name shall be annexed.

An acknowledgment.

And after the first of September, One Thousand six Hundred and Seventy-three, all Grants and Deeds made of Houses and Lands shall be acknowledged before an Assistant, or Commissioner, or Justice of the Peace.

To be acknowledged.

And that no Grant after the Time aforesaid, shall be accounted compleated according to Law, but such as are written, subscribed, witnessed and acknowledged as aforesaid: and all such Grants shall be recorded according to Law.

Town Clerks to keep town records.

And the Town Clerk or Register in each Town in this State, shall keep the Town Book or Books of their respective Towns; and shall truly enter in the said Book or Books all Votes of the said Town, Grants of Land, Choice of Town Officers, and other Town Acts and Matters upon his Oath (except when necessarily absent) and shall grant all Copies of the same as Need shall require, for reasonable Satisfaction.

No deed valid except against grantor, &c. unless recorded.

*And be it further enacted by the Authority aforesaid,* That no Grant or Deed, of Bargain, Sale or Mortgage made of any Houses or Lands within this State, from and after the first Day of March, One Thousand seven Hundred and Nine, shall be accounted good and effectual in Law to hold such Houses and Lands against any other Person or Persons whatsoever but the Grantor or Grantors, and their Heirs only; unless the Grant, Deed or Deeds thereof be recorded at length in the Records of the Town where such Houses and Lands do lie.

To bear date the day of receipt.

And the Town Clerk or Register in every Town in this State, shall on the Receipt of any Grant, Deed, Conveyance, or Mortgage of any House or Land brought to him to record, note thereupon the Day, Month and Year when he received the same, and the Record shall bear the same Date.

And it is further enacted by the Authority aforesaid, That if any Town Clerk or Register within this State, shall neglect to do and perform his Duty according to the foregoing Paragraph of this Act, and be thereof convicted, he shall pay a Fine of Five Pounds to the Treasury of the County whereto he belongs for every such Neglect. Said day of receipt to be noted, on penalty of 5l. for neglect.

## An Act for the punishment of High-Treason, and other atrocious Crimes against the State.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That if any Person or Persons belonging to, or residing within this State, and under the protection of its Laws, shall levy War against the State or Government thereof, or knowingly and willingly shall aid or assist any Enemies at open War against this State, or the United States of America; by joining their Armies, or by instilling or procuring or persuading others to instill for that Purpose, or by furnishing Enemies with Arms or Ammunition, Provision or any other Articles for such their Aid or Comfort, or by carrying on a treasonable and treacherous Correspondence with them, or shall form or be any ways concerned in forming any Combination, Plot, or Conspiracy for betraying this State, or the United States, into the Hands or Power of any foreign Enemy, or shall give or attempt to give or send any Intelligence to the Enemies of this State, for said Purpose; every Person so offending, and being thereof convicted, shall suffer Death. Treason defined. Punishment death.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall endeavour to join the Enemies of this State, or of the United States, or use their Influence to persuade or induce any Person or Persons to join, aid, comfort, or assist them in any Way or Manner whatsoever, or shall have Knowledge of any Person or Persons endeavouring or using their Influence aforesaid, and shall conceal the same, shall be punished by Fine, according to the nature of his Offence, and shall be imprisoned at the Judgment of the Superior Court, in any of the Gaols in this State, not exceeding ten Years. Misprison of treason, &c. How punished.

Be it further Enacted, That no Person accused of any of the Crimes aforesaid, mentioned in this Act, who on Examination before proper Authority, shall be adjudged worthy to be held to Trial for the same, shall be set at Liberty on Bail; unless said Bail is taken before the Court that hath Jurisdiction of said Cause; but be committed to Prison, there to remain until delivered by due Course of Law. Not bailable unless by the court that hath jurisdiction of the cause.

## An Act for regulating and ordering the public Treasure, and Treasurers.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the general or public Treasure of this State, or any Part thereof, shall not be expended but by the order of the Governor, or Assistants, or General Court: Nor any County Treasure, but by the order of the County Court of that County: Nor any Town Treasure, but by the order of the Select-men, or the Inhabitants of the Town. Treasurers to pay out no monies without proper orders.

That the Treasurer of this State for the Time being, shall deliver or pay no Money belonging to the State Treasury, to any Person or Persons, without Order, under the Hands of two Assistants, or Justices of the Peace, if the Sum be above Forty Shillings; and if the Sum be under Forty Shillings, then the Treasurer may accept of an Order for Payment thereof under the Hand of any one Assistant or Justice of the Peace.

*Always provided,* That the Assistants or Justices that grant Bills or Orders as aforesaid, do insert the Particulars for which the Money mentioned in such Bills or Orders, is due and to be paid.

Gen. court to draw orders on State treasury. That the State Treasurer shall pay out of the public Treasury such Sum and Sums as the General Court shall appoint, and order him to pay from Time to Time, so far as he hath of the public Treasury under his Command to do the same.

State treasurer to grant warrants to collect fines, &c. And the said State Treasurer shall, and he is hereby impowered and required, at all Times as the Cause requires, to issue forth his Warrants to the Sheriff or Constable, for the levying of all Fines and Forfeitures as shall be due from any Person or Persons, to the public Treasury of this State.

Receipts to be given. That upon all Payments made of any of the State's Debts by the State Treasurer, or by any Constable or other Officer appointed to do the same, the said Treasurer, Constable, and other Officer shall take Receipts of the Persons to whom such Payments are made, for the Sums paid to them.

Accounts for services, &c. done for the State, to be given, &c. And that when any Person is impressed, or has any Thing impressed from him for the Service of the State, or is called to any Service in the same, he shall within the Space of ten Days next after the Service done, or Thing impressed from him, apply himself to the Authority by whose Warrant such Impression was made, or to the Officer who impressed such Thing, for a Certificate under his Hand, (who are hereby required upon such Application, forthwith to grant such Certificate) therein signifying the Service so done, the Time spent therein, and the true Value, as near as may be, of whatsoever was impressed from such Person, as aforesaid.

No bill allowed, &c. without certificate, &c. And no Person shall be allowed any Bill upon the State Treasurer, for any Service done, or for any Thing impressed from him for the public Service as aforesaid, without producing such Certificate, obtained within the Limitation above prescribed.

State treasurer to account &c. And the State Treasurer shall render his Account, according to such Order, and at such Time as the General Court shall appoint.

County treasurer to issue warrants for fines due to the county. *Be it further enacted by the Authority aforesaid,* That each respective County Treasurer in this State, shall be and is hereby impowered and required, when and so often as Need shall require, to issue forth his Warrant under his Hand, directed to the Sheriff or Constable, for levying all Fines and Forfeitures that are or shall be due to the Treasury of the County whereto he belongs; from any Person or Persons whatsoever; and shall render his Account to the Judges of the County Court when he shall be thereto required by said Court.

All fines to be levied annually. That the State and County Treasurers shall send forth their Warrant for the levying all such Fines and Forfeitures whereof they shall have Cognizance, within the space of one Year after they shall be imposed by the Court, on the Penalty of forfeiting the Sum of *Fifty Shillings*, to the Use of such Treasury for each neglect.

Town treasurers to receive monies due to towns. *And be it further enacted by the Authority aforesaid,* That the respective Town Treasurers in the respective Towns in this State, shall have Power to receive all such Monies as shall become due unto the respective Towns to which they belong, either by Rates, Fines, Assessments or otherwise: And such Town Treasurers shall pay and deliver out all such Monies as shall be in their Hands, according to the Order of such Towns, or the Select-men thereof, from Time to Time, keeping a just Account of such Receipts and Deliveries, and shall Account with the Town or Select-men at least once a Year.

To apply, &c. for fines, &c. And it shall be the Duty of every Town Treasurer to apply himself to the Civil Authority in the respective Towns, for an Account of all such Fines and Forfeitures as shall be recovered by Judgment before such Authority, belonging to the Treasury of the Town where such Judgment is given, at least within one Year after Judgment given, and receive the said Fines and Forfeitures for the Use of said Town.

An Act for detecting and punishing Trespaffes in divers Cafes, and directing Proceedings therein.

**B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That no Person or Persons shall cut, fell, destroy or carry away any Tree or Trees, Timber or Underwood whatsoever, standing, lying or growing on the Land of any other Person or Persons, or off or from any sequestered Lands for Town Common, or any common or undivided Lands in any Town, without Leave or Licence of the Owner or Owners of such Lands whereon such Trees, Wood, Timber or Underwood was standing; lying or growing, on Pain that every such Person or Persons, selling, destroying or carrying away the same, or that shall be aiding or assisting therein, shall for every such Trespafs, forfeit and pay to the Party or Parties injured or trespassed upon, the Sum of *Ten Shillings* for every Tree of one Foot over, and for all Trees of greater Dimensions three Times the Value thereof, besides *Ten Shillings* as aforesaid, and *Five Shillings* for every Tree or Pole under the Dimensions of one Foot Diameter: Which several Penalties, Forfeitures and Damages, shall and may be recovered by Action, Bill, Plaint or Information, upon Conviction of the Trespasser or Trespaffers, as is hereafter especially provided and enacted.

Penalty for cutting down trees on the lands of other persons, &c.

Penalties, &c. how recoverable.

Be it further enacted and declared by the Authority aforesaid, That the Proprietors of the common and undivided Lands in the several Townships, are the Persons trespassed upon, by cutting, felling, destroying or carrying away any Timber, Tree or Trees, growing or laying on the common and undivided Lands in said Towns: And that the Inhabitants of the respective Towns are the Persons trespassed upon by all such Trespaffes as aforesaid, done in sequestered Lands for Town Commons in such Towns.

When proprietors shall have the right of action, &c.

Be it further enacted by the Authority aforesaid, That if any Person or Persons shall unlawfully throw down, or leave open any Bars, Gates, Fence or Fences belonging to or inclosing any common Field, or any Lands held in Propriety or Common, or belonging to any particular Person or Persons within this State, shall for every such Trespafs, upon Conviction thereof, forfeit and pay to the Party or Parties injured thereby, double Damages; and also a Sum not exceeding *Twenty-five Shillings*, according to the Nature and Aggravation of the Trespafs: To be recovered in Manner as aforesaid.

Penalty for throwing down or leaving open bars, &c.

Be it further enacted by the Authority aforesaid, That every Person or Persons that shall set Fire on any Lands in this State, that shall run into any common and undivided Lands, or Town Commons, or Lands belonging to any particular Person or Persons; such Person or Persons setting such Fire, or that shall be aiding and assisting therein, shall pay and satisfy to the Owner or Owners of the Lands all Damages that shall be done by such Fire.

Penalty for setting fire on lands, &c.

Be it further enacted by the Authority aforesaid, That no Person or Persons shall gather, destroy, or carry away any Bayberries standing or growing on the Land of any other Person or Persons without Leave or Licence of the Owner or Owners of such Person gathering, destroying, or carrying away the same, or that shall be aiding or assisting therein, shall forfeit and pay to the Party or Parties injured or trespassed upon, three Times the Value of the Bayberries so gathered, destroyed, or carried away; and also the Sum of *Three Shillings* for every Bushel so gathered, besides the said three-Fold Value; and so after that Rate for a greater or lesser Quantity: To be recovered in Manner as aforesaid.

Penalty for gathering bayberries on other persons lands, &c.

And so much as it is at some Times very difficult to detect or convict any Trespasser or Trespaffers against this Act in the ordinary Method or Course of

*the Law, by Reason the Trespasses are generally committed where full Evidence can scarcely be had.*

*Be it therefore enacted by the Authority aforesaid, That in Case any Dispute arise upon any Action, Bill, Complaint or Information brought as aforesaid, wherein the Plaintiff, Complainant, or Informer shall charge the Defendant in Trespass in any of the Particulars aforesaid, or of aiding or assisting therein, then, and in such Cases, if the Plaintiff, Complainant or Informer shall make Oath that there hath been such and so many Facts committed as are charged in the Declaration, and that he suspects the Defendant to have committed the said Trespasses, although the Plaintiff, Complainant, or Informer may not be able to produce any other Evidence thereof than to render it highly probable, to the Court, Assistant or Justice before whom the Trial is, then and in every such Case (unless the Defendant shall acquit himself upon Oath, that he did not do nor cause to be done the Facts that are charged against him in the Declaration, or any of them, which Oath or Oaths the said Court, Assistant, or Justice are hereby empowered to administer) the Plaintiff, Complainant, or Informer shall recover the Penalties and Damages aforesaid, with Cost: But if the Defendant shall in such Manner acquit himself upon Oath, as aforesaid, the Court, Assistant or Justice may, and shall enter Judgment for the Defendant to recover double his Cost occasioned by such Prosecution.*

Persons committing trespasses in disguise to be publicly whipped, &c.

*That if any Person or Persons having their Faces blacked, painted, or any way disguised, shall either by Day or Night commit any of the Trespasses aforesaid; or shall beat or abuse any of the Subjects or Citizens of the United States, or any other Person or Persons whatsoever under the Protection of the Laws of these States, and be thereof convicted by due Course of Law, such Person or Persons so trespassing, shall over and above the Penalties and Damages aforesaid, be publicly whipt, not exceeding twenty Stripes; as the Nature of the Trespass may require.*

Proviso.

*Always provided, That the Proprietors of the common, undivided Lands in the respective Towns, may grant Liberty for the cutting or felling any Tree or Trees, or carrying away any Timber, Wood or Underwood, growing or lying in their common or undivided Lands, under such Regulations and Restrictions as they, or the major Part of them in their legal Meeting shall see Cause and appoint; and empower their Agents or Attornies in their Place or Stead to prosecute any Person or Persons that shall trespass on their undivided Lands, contrary to this Act.*

Towns power relative to sequestered lands.

*And the like Power is hereby also given to the Inhabitants of the several Towns in their Town-Meetings, with respect to the Timber, Tree or Trees, Wood or Underwood, growing or lying on Lands within their Townships sequestered for Town Commons, viz. To appoint Agents or Attornies to prosecute any Person or Persons that shall trespass upon Lands sequestered for Town Commons, as aforesaid.*

Proviso.

*Provided also, and it is hereby enacted, That no Town shall have Power to prohibit any Person or Persons inhabiting in such Town from cutting Fire-Wood, or getting Fencing-Stuff for their own Uses only, off and from any Lands sequestered for Town Commons, under such reasonable Regulations as they shall agree to.*

Proviso.

*Provided also, That all Agreements upon Record, in any Town in this State, concerning any the Timber, Wood, &c. in this Act mentioned, shall so far as said Acts or Agreements concern the Inhabitants of such Town getting Timber, Wood, &c. on the common and undivided Lands, or Lands sequestered for Town Commons in such Towns, for their own Use only, be, and be holden good and valid; any Thing to the contrary in this Act notwithstanding.*

Burden of proof where to lie,

*And in case any Dispute arise about the Use for which any of the Wood, Timber, &c. in this Act mentioned is got, the burden of Proof shall lie on him who pleads, or avers the Use he got such Timber, &c. for.*

Trespasses.

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*Provided also, and it is hereby Enacted,* That when the Court, Assistant or Justice before whom any Trial upon this Act shall be had, shall be well satisfied that the Defendant was guilty through Mistake, and that he really believed the Timber or Bayberries complained of, when growing, were upon his own Land; that in such Case the Defendant shall be sentenced to pay to the Plaintiff only the just Value of the Timber felled, taken away or destroyed, or Bayberries gathered, carried away or destroyed, and Costs of Trial, and no more.

Proviso.

*Provided also,* That nothing in this Act shall be construed to prevent or hinder any Town in this State from agreeing in their annual Town-Meeting for setting Fires in their own Commons, as formerly; in which Case the Inhabitants of the Town so agreeing, shall pay all Damage that shall be done by such Fires running and burning in any adjacent Township.

Proviso.

*As it further enacted by the authority aforesaid,* That if any Person whatsoever shall take any Horse, Mare, or Drawing-Beast, other than his own, out of any Inclosure, or Common-Field, or elsewhere, (except such Creature shall be taken Damage-feasant, and disposed of according to Law) without leave of the Owner, and shall ride or use the same; every such Person shall pay to the Party wronged treble Damages; or if the Complainant shall desire it, only Six Shillings. And if the Person so Offending shall be unable to make Payment, then he shall by Service make Satisfaction therefor.

Penalty for taking another's horse without leave &c. If unable to pay then to be bound in service.

*Provided,* That all Offences against, or Breaches of this Paragraph be prosecuted within six Months after the same are committed.

Proviso.

That if any Horse or other Beast, shall trespass in any Corn-field, or other Inclosure, being fenced in such Sort as secures against Cows, Oxen, Calves and such like Cattle, the Party or Parties trespassed upon shall procure two able Men, of good Report and Credit, to view and adjudge the Harms done; which the Owner or Owners of the Beast or Beasts shall satisfy when known, upon reasonable Demand, whether the Beast shall be impounded or not; but if the Owner or Owners be known, and near residing, as in the same Town, or the like, Notice thereof shall be given to him or them, or left at the Place of his, or their usual Abode, before an Estimation be made thereof, to the End he or they, or some other Person appointed by him or them, may be present when the judgment is made: The like Notice also shall be left for him or them, of the Damage charged upon them, that if any shall not approve thereof, he or they may repair to the Select-men, or some of them, who shall in such Case nominate and appoint two able and indifferent Men to review and adjudge the said Harms; which being forthwith discharged and paid, together with the Charge of Notice, former and latter View and Determination of Damages, the first Judgment to be void, if not to stand in Law.

Horses, &c. trespassing in corn fields, fenced, &c.

How to proceed, &c.

And that when Damage is done to any Person or Persons, if it appear to be done or happen by the meer Default of him or them to whom the Damage is done, it shall be judged no Trespass, and no Damage shall be given.

Trespasses done by mere default no damages, &c. to the faulty party, &c.

*And be it further enacted by the Authority aforesaid,* That when in any Action of Trespas brought before an Assistant or Justice of the Peace, the Defendant shall justify upon a Plea of Title, a Record shall be made thereof, and the Matter of Fact shall be taken *pro Confesso*, and the Party making such Plea shall become bound with one or more Sureties, by way of Recognizance, unto the adverse Party, in a reasonable Sum, not exceeding Twenty Pounds, on Condition that he shall pursue his Plea, and bring forward a Suit for a Trial of his Title at the next Inferior Court of Common Pleas to be holden for the County in which such Trespas is alledged to be done; and pay and satisfy all Damages and Costs, as by the Court shall be awarded against him; which Recognizance the said Assistant or Justice is hereby empowered to require and take, and shall be paid for the same by the Recognizer and for recording the Plea, his legal Fees; and also at the Charge of

In action of trespas before Justice, &c. if the defendant shall set up title he shall give bond, &c. and the cause referred to the next county court, &c.

the same Party shall certify the Process and Record of such Plea, together with the Recognizance, unto the said next Court; and if such Recognizer shall neglect to bring forward such Suit at the said Court, according to the tenor of his Recognizance, the Default shall be recorded, and a Writ of *Scire Facias* be issued out of the Clerk's Office of the same Court, for the recovery of the Sum or Penalty in the Recognizance mentioned, of him, his Surety or Sureties.

Or if upon Trial before the said Court he shall not make out a title to the Land or Tenement on which the Trespass is laid to be done, paramount to the Possession, or other Title of the adverse Party, Judgment shall be rendered for the Party trespassed upon for treble Damages, and Cost of Suit.

But if the Defendant in Trespass, justifying on Plea of Title, shall refuse or neglect to become bound in Manner as aforesaid, then his Plea shall abate; and the Justice notwithstanding the same, shall proceed to try the Cause, and upon due Proof of the Trespass committed by him, shall award Damages against him according to what shall be made out, and Cost of Suit.

*Whereas large Quantities of Logs and other Timber, Shingles and Staves are floated down Connecticut-River, and in a secret Manner are taken up and clandestinely disposed of, so that it's very difficult in the common Course of the Law to prove the same; so that great Loss and Damage thereby happens to the Owners thereof:*

Which to prevent;

*Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That when any Person or Persons shall take up any Logs, Timber, Shingles or Staves, floating or floated down the said River, the Logs and Timber being fairly marked, and the Shingles and Staves bundled up, he shall seize, bind, or well secure the same; and that within one Week next after his or their taking up, stopping and seizing the same, enter the same with the Kind, Bigness, Length and Marks of the Logs and Timber, the Number of Bundles, and the Kind of Shingles and Staves, and by whom taken up, and the Places where they lie, with each Clerk or Clerks where Strays and lost Goods are by Law to be entered; and shall let such Logs, Timber, Shingles and Staves lie, without disposing thereof, or any Ways defacing the Marks thereon, full six Months after the first entering the same; on Penalty of forfeiting and paying to the Owner or Owners of such Logs, Timber, Shingles or Staves, viz. the Sum of *Ten Shillings* for every Log or other Stick of Timber not exceeding thirty Feet in Length, and double the Value of such Shingles or Staves; and *Ten Pounds* for every Log or other Stick of Timber which exceeds thirty Feet in Length. And every Person or Persons taking up, safe securing, and entering any Logs, Timber, Shingles or Staves, shall be entitled to a Fee of *One Shilling* and *Two-pence* for taking, seizing and entering any Log or Stick of Timber not exceeding thirty Feet in Length, and the same Sum for every Bundle of Shingles or Staves; *Three-pence* whereof shall be allowed and paid to the Clerk for entering the same; and *Four Shillings* and *Two-pence* for every Log or Stick of Timber which exceeds that Length, *Three-pence* whereof to be paid to the Clerk, as aforesaid.*

And that no Owner or Owners of such Logs, Timber, Shingles or Staves shall take away any such Logs, Timber, Shingles or Staves, taken up, secured and entered as aforesaid, until he has paid the Fees aforesaid, on Penalty of forfeiting and paying to him or them that took up, secured and entered the same, as aforesaid, the Sum of *Ten Shillings* for each Log or Stick not exceeding thirty Feet in Length, and the Value of the Shingles and Staves so taken up, secured and entered, as aforesaid, and *Five Pounds* for each Log or Stick of Timber above thirty Foot long.

And if no Owner appear to challenge, and make out his Claim thereto within six Months next after the Entry thereof, it shall and may be lawful

If defendant fails to pay treble damages, &c.

Defendant failing to give bond justice may proceed on the merits.

Preamble.

Logs, &c. taken up on Connecticut-river to be secured, &c.

Penalty for selling logs, &c. found floating in less than six months.

Penalties.

Reward for securing drifts.

Forfeiture for taking them away when secured.

If no owner appear within 6 months, to be sold, &c.

for him or them that took up, secured and entered the same to dispose thereof to his or their own Use, without being accountable to the Owners thereof.

And when any Dispute shall arise in any Action brought on this Act, it shall and may be lawful for the Court, Assistant, or Justice of the Peace before whom the Trial may be, to proceed to examine the Parties under Oath, and all other Evidence produced; and to make up such Judgment therein as to them shall appear equitable and just.

Dispute how to be adjusted.

*And whereas there might be considerable Profit arise by floating of Timber down that Rivulet called Windsor-River, where there proper Provision made for detecting and punishing such as privately take up and dispose of said Logs, &c. floating down said River :*

Wherefore,

*Be it enacted by the Authority aforesaid,* That whosoever shall stop or take up any Saw-mill Logs or other Timber floating down said River being fairly marked, without the special Direction or Order of the Owner or Owners of such Logs or Timber, before such Logs or Timber have passed by the Bridge, set across said River, in the first Society in Windsor, shall for every Log or Stick of Timber thus stopped, pay to the Owner or Owners of said Logs, &c. the Sum of Ten Shillings.

Penalty for stopping logs, &c. floating down Windsor for ferry river, &c.

*And it is further enacted by the Authority aforesaid,* That whosoever shall deface the Marks made on said Logs or Timber, or any Way dispose of, or sell the same, shall forfeit and pay to the Owner or Owners thereof, for each Offence, the Sum of Ten Shillings, and double the Value of said Logs or Timber thus disposed of, or whose Marks shall be purposely defaced. And when any Dispute shall arise, in any Action brought on this Act, it shall and may be lawful for the Court, Assistant, or Justice of the Peace before whom the Trial may be, to proceed to examine the Parties under Oath, and all the Evidence produced, and to make up such Judgment therein, as to them shall appear just and equitable.

Penalty for defacing marks on logs, &c.

*And in order to Compensate for the Damage being done to the Proprietors and Owners of the Lands and Meadows adjoining said Windsor-River, by Reason of the Logs, &c. being carried thereon by the Floods :*

*Be it further enacted by the Authority aforesaid,* That when Saw-mill Logs, Timber, Staves or Shingles, floating down said Windsor-River, shall be carried on, to and lodge on the Meadows or improved Lands of any particular Person, it shall be the Duty of the Owners or Possessors of such Lands or Meadows whereon such Logs, Timber, Staves or Shingles are lodged, to enter an Account of the same on the Records of the Town-Clerk of the Town where such Lands lie, within thirty Days next after such Logs, Timber, Staves or Shingles shall be found lodged, as aforesaid, with the particular Marks thereof and length of the Timber or Logs, and the Place where the same are lodged, as aforesaid; and the Owner of such Timber, Logs, &c. shall (on proving his Property therein) have Liberty to carry off his Timber, Logs, &c. lodged as aforesaid, on paying the Owners or Possessors of such Lands his or their reasonable Damages sustained by said Timber, &c. remaining on, and in carrying the same off said Lands; to be assessed by the next Assistant, or Justice of the Peace, in Case the Parties do not agree; and also Six-pence for entering the same on Record as aforesaid.

Lumber floating down said river how disposed of.

*Be it further enacted,* That if no Person appears to claim and carry off the said Logs, Timber, Staves, or Shingles within nine Months after the Record thereof made as aforesaid, the Owner of such Lands whereon the same are lodged as aforesaid, may appropriate the same to his own Use; any Law, Usage or Custom to the contrary notwithstanding.

No owner appearing in 9 months after record, may be appropriated, &c.

*Be it further enacted,* That if any Person or Persons shall, without Liberty first had of the Owners or Possessors of the Lands or Meadows whereon such Timber, Logs, Staves or Shingles are lodged, and the Marks recorded as

Persons removing timber, &c. with our leave, to forfeit the value.

aforesaid, attempt to remove the same; or without first paying reasonable Damages, and said Sum for recording as aforesaid: such Person or Persons so offending, shall forfeit and pay to the Owner or Possessor of such Lands or Meadows, the Value of such Timber, Logs, Staves or Shingles so attempted to be removed; to be recovered by Bill, Plaint or Information.

### An Act for preventing and punishing vexatious Law-Suits.

Penalty 40s. for vexatious suits, and to pay treble damages.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled and by the Authority of the same, That whosoever any Plaintiff shall wittingly and willingly wrong any Defendant, by commencing and prosecuting any Action, Suit, complaint or Indictment in his own Name, or in the Name of others, with Intent unjustly to vex and trouble such Defendant, such Plaintiff being legally convicted thereof, shall pay treble Damages to the Party grieved, and be fined the Sum of *Forty Shillings*, to the Treasurer of the County.

Third offence how punished.

And for the third Offence in that Kind, he shall be judged and proceeded against as a Common Barrator.

### An Act for the more effectual putting in Execution the Laws against Vice, Immorality and Profaneness, and for promoting Christian Knowledge.

Preamble.

*WHEREAS putting in Execution the good and wholesome Laws, made for restraining, punishing and suppressing profane, immoral and irreligious Practices in this State, and promoting Christian Knowledge, will greatly tend to the honor of Religion, the Peace and good Order of human Society, and to suppress Vice and Wickedness;*

of the Authority herein.

Therefore, that the same may be more generally and effectually done; **B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That all Judges and Justices of the Peace in the respective Counties in this State, be, and they are hereby required to be diligent and careful in putting in Execution all such Laws and Acts as are or shall be made in this State, for the punishing, restraining or suppressing any Profaneness, Immorality, or irreligious Practices or Disorders, that thereby the good Ends proposed in such Acts and Laws may be attained.

Of the Select-men.

Houholders to have bibles in their families;

for neglect, how dealt with &c.

And with catechisms, &c.

Constables, &c. to make Presentment, &c.

That the Select-men from Time to Time, shall make diligent Enquiry of all Houholders within their respective Towns, how they are furnished with Bibles: and if upon such Enquiry any Houholder be found without one Bible at least, then the Select-men shall warn the said Houholder forthwith to procure one Bible at least, for the Use and Benefit of their Families respectively: And if the same be neglected, then the said Select-men, shall make Return thereof to the next Authority, who may deal with such Houholder's Family according to the directions of the Law relating to the educating and governing of Children.

And all such Families as are numerous, and whose Circumstances will allow thereof, shall be supplied with Bibles according to the Number of Persons of Capacity to use the same in such Families; and with a suitable Number of Orthodox Catechisms, and other good Books of practical Godliness, and the like.

That the Constables, Grand-jury-men and Tithing-men in the respective Towns in this State, shall, and they are hereby required to make diligent Search after, and Presentment make of all the Breaches of the Laws which relate to their Office or Offices respectively.

And the Constables and Grand-jury-men in the respective Towns shall, on the Evenings after the Lords-Day, and other public Days of religious Solemnity, walk the Street, and duly search all Places suspected for harbouring or entertaining any People or Persons assembled contrary to Law.

*Be it further enacted by the Authority aforesaid,* That the Justices of the Peace, Grand-jurors, Constables and Tithing-men in the respective Towns in this State, shall annually meet in the respective Towns to which they belong, on the first Monday of *January*, and on the third Monday in *June*, at the Place where their annual Town-Meetings are held, or at some other Place by them appointed, there to advise, consider, and use their joint Interest in suppressing Prophaneness, Vice, and Immorality; and for the due Execution of all the Laws of this State, to which their respective Offices have Relation.

*And be it further enacted by the Authority aforesaid,* That the Town-Clerk of each respective Town in this State, at the opening of the public Town-Meeting for electing Town-Officers in *December* annually, if present, and in his Absence the Select-men for the Time being, who shall be present, shall read, or cause to be read this Act, and every Paragraph thereof publicly in this Meeting.

And if such Clerk, being present, or such Select-men present in the Clerk's Absence, shall neglect or refuse publicly to read, or cause to be read this Act; then the said Clerk or Select-men in refusing or neglecting, shall forfeit and pay the Sum of *Twenty Shillings*; one Half to the Complainer, who shall prosecute to Effect, and the other Half to the Town-Treasury.

And the Constables and Grand-jury-men are directed to enquire after, and due Presentment make of all Breaches of this Act, to some Assistant or Justice of the Peace; who are hereby impowered to hear and determine the same.

An Act for enabling the United States of *America*, to commence and prosecute Actions or Suits in any of the Courts in this State, for the recovery of their common Rights and Interests.

*BE it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same,* That it shall and may be lawful for the United States of *America*, to sue, commence, and prosecute any Suits or Actions for the recovery of any Debts due to them, or any Estate or Property to them belonging; or for the recovery of Damages for any Frauds or Trespases against them, and to appear by their Agents or Attornies that may be appointed by Congress, or by Authority derived from them; and all such Suits or Actions pursue to final Judgment and Execution.

*And be it further enacted by the Authority aforesaid,* That it shall be the Duty of the State Attornies, and other Informing Officers in this State, to make Presentment of all Frauds and other Crimes committed against the United States, within their respective Precincts, which shall be prosecuted and punished in the same Manner as if committed against this State.

*And be it further enacted,* That every Commissioner or Auditor, appointed by the United States in Congress assembled, or under their Authority, to settle any of the public Accounts, shall have full Power to call Witnesses before them in this State, and examine them under Oath or Affirmation, touching any such Accounts as are respectively assigned to them for Settlement; and if any Person duly summoned, shall neglect to appear and be examined as aforesaid, he shall be liable to the same Pains and Penalties as for neglecting to appear before any Court in this State.

An Act for restraining the taking excessive Usury.

**S***ix per cent. lawful interest for monies loaned.* **E***t enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same,* That no Person or Persons whatsoever, upon any Contract made, shall take, directly or indirectly for loan of any Monies, Wares, Merchandizes, or other Commodities whatsoever, above the Value of Six Pounds, for the Forbearance of One Hundred Pounds, for a Year; and so after that Rate for a greater or lesser Sum, or for a longer or shorter Time.

*All bonds &c. forfeited when more is taken.* And that all Bonds, Contracts, Mortgages and Assurances whatsoever, made for the Payment of any Principal, or Money lent, or covenanted to be lent upon, or for Usury, whereupon or whereby there shall be reserved or taken above the Rate of Six Pounds in the Hundred, as aforesaid, shall be utterly void.

*Penalty for taking unlawful interest, forfeiture of the value, &c.* And all and every Person and Persons whatsoever, who shall take, accept, and receive by way, or means of any corrupt Bargain, Loan, Exchange, or by covine, or deceitful Conveyance, or by any other Way or Means whatsoever, for the Forbearance, or giving Day of Payment for one whole Year, of and for their Money, or other Thing or Things above the Sum of Six Pounds for the Forbearance of One Hundred Pounds for a Year; and so after that Rate for a greater or lesser Sum, or for a longer or shorter Time, shall forfeit and lose for every such Offence, the full Value of the Goods and Monies or other Thing so lent, exchanged, bargained, sold or agreed for: one Moiety thereof to the public Treasury of this State, the other Moiety to the Informer who shall sue for and prosecute the same to Effect.

*And whereas many Persons, not contenting themselves with just and reasonable Gains, or Interest for Goods sold or Money lent, do use many subtil and clandestine Methods to oppress their poor Debtors, by inducing and compelling them to give great and unlawful Sums for Forbearance; and to effect the same, take Advantage of the Distress and Poverty of their Debtors to induce them to conceal from Witnesses the real Consideration of the Securities given,*

For preventing of which,

*Be it enacted by the Authority aforesaid,* That the Grand Jurors in their respective Precincts, shall make Enquiry after all Persons that are of evil Name and Fame for oppressing their poor Debtors or Borrowers, or of taking excessive Interest for Forbearance, and shall present such Person or Persons to the next Assistant or Justice of the Peace, as being guilty of said Crimes; and if thereupon such Person or Persons shall not satisfy the Authority before whom he or they are brought to be examined, that he or they are not guilty, such Authority may bind over such Person or Persons, with two good Sureties, in a Recognizance, not exceeding the Sum of One Hundred Pounds lawful Money, to appear at the next County Court in that County where he or they dwell, to answer to said Presentment, and abide the Judgment of the Court thereon.

*Or and jurors to enquire and present.*

*Refusing to give bond, to be committed, &c.*

And if such Person or Persons refuse to become bound as aforesaid, the said Authority shall commit him or them to the common Goal in said County, there to remain till he or they conform themselves and become bound as aforesaid.

*One witness sufficient.*

And if upon Trial before the Court, one credible Witness shall come and depose against such Person or Persons, that he or they have taken excessive Interest or Security therefor, or otherwise have oppressed their poor Debtors or Borrowers, setting forth the Fact before the Court, it shall be lawful for the Court to bind such Person or Persons, with Sureties, in a Recognizance not exceeding the Sum of One Hundred Pounds lawful Money, to his or their good Behaviour; and that he or they shall offend no more in the like Kind, for such Time as the Court shall judge meet.

And if such Person or Persons shall offend again in like manner, while he

or they are under such Recognizance, to be proved against him or them by one credible Witness, such Persons shall be adjudged to have forfeited their Recognizance; unless such Persons shall be acquitted by a Jury of twelve lawful men of the Neighbourhood, declaring upon their Oaths, that they believe he or they are not guilty: Which Jury he or they, at his or their Request, and at his or their own Charge, may have the Liberty of.

And in Case Judgment shall be given against such Person or Persons, the Court may at Discretion chancer down the Recognizance, more or less according to the Aggravation of the Offence.

And be it further enacted, That in any Action brought on any Bond, Bill, Mortgage, or other Instrument whatsoever, it shall be lawful for the Defendant in such Action, to inform the Court before which said Action is brought, by filing his Complaint with the Clerk of such Court, on the second Day of the Court's sitting, that the Mortgage, Bond, or other Instrument on which the Action is brought, is usurious and oppressive, and was given for no just or reasonable Consideration; and then in such Case the Court is directed and empowered to proceed in searching out the Truth of such Complaint, as a Court of Chancery or Equity, by examining the Parties upon Oath, or in any other Way proper to a Court of Equity: And if the Plaintiff shall refuse to be examined upon Oath, his Action shall be Non-Suit, and the Court shall give Judgment for the Defendant to recover his Cost.

And if upon Trial the Court shall find such Mortgage, Bond or Note, &c. to be usurious or oppressive, and for which the Defendant had no reasonable Consideration, they shall adjust the same in Equity, and give Judgment that the Plaintiff recover no more than the just Value of the Goods sold, &c. or than the principal Sum which the Defendant received of the Plaintiff, without Interest, or any Advance thereupon.

And be it further enacted by the Authority aforesaid, That if the Defendant in any Action founded on Contract, depending before an Assistant or Justice of the Peace, shall file his Bill complaining that said Contract is Usurious, such Assistant or Justice shall enquire into, and adjust the same in Equity, and render Judgment therein according to the Rules and Directions in this Act prescribed for other Courts.

Always Provided, That nothing in this Act be construed to prevent any Persons from proceeding upon full Evidence in the common Course of Law against excessive Usury, and usurious Contracts, either in Defending or Recovering thereon, as in the first Paragraph of this Act is provided.

## An Act for due Regulation of Weights and Measures.

BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Treasurer of each County within this State, shall at the proper Cost and Charge of the said County, provide, as there shall be Occasion, and continually keep and preserve in good Order, good and sufficient Weights and Measures as Standards for the said Counties: The Half Bushel to be Brass or Copper; which Weights and Measures shall be tried and sealed by the State Standards of Weights and Measures, and shall be kept in the respective County Towns for the Use of the County, upon whose Cost they were procured.

And if any or either of the County Treasurers shall not procure and keep the Weights and Measures as aforesaid, and have the same tried and sealed as aforesaid, he shall pay a Fine of Five Pounds; one Moiety whereof shall be to the Constable of the County Town that shall complain, and the Remainder to the County Treasury.

And the Constables in the County Towns shall enquire whether the said

Constables to make enquiry.

Weights and Measures be provided and sealed as aforesaid; and upon Default of any or either of the said Treasurers, the said Constables shall present them to the next Superior Court in that Country, who shall cause the said Fine to be levied upon the Treasurer so neglecting; unless he shall satisfy the said Court that there are Weights and Measures provided and sealed as aforesaid, within the County Town for the Use of the County in which he serveth as Treasurer.

Select-men to provide weights and measures.

That the Select-men in every Town within this State, shall provide, as there shall be Occasion, at the Charge and Cost of said Towns, good Weights and Measures, to be preserved and kept in good Order, as Standards for said Towns; which Weights and Measures shall be tried and sealed by the County Standards.

Constables to make presentment of all breaches of this act.

And the Constables in every Town shall make Enquiry into all Breaches of this Act; and if upon Enquiry, the said Constables shall find the Select-men have not procured Weights and Measures as aforesaid, that then the Constable or Constables shall make Complaint thereof to the next Assistant or Justice of the Peace: Upon which Complaint the said Assistant or Justice shall summon before him the Select-men so neglecting, and if they shall not satisfy said Authority that they have provided Weights and Measures as aforesaid, and that they then have the same in such Town, the said Authority shall impose a Fine of *Forty Shillings* on such Select-men; one Half to the Constable complaining, and the other Half to the Town Treasury: To be levied by distress and sale of their Goods according to Law.

Weights, &c. of particular persons to be tried.

And all Weights and Measures improved or used by any particular Persons in any Town, shall be tried by the Town Standards where they dwell: And whosoever shall make Use of any Weights or Measures that are not proved and tried by the Standards in their respective Towns, shall forfeit the Sum of *Five Shillings* for every such Offence committed; to the Use of the Treasury of such Town.

Sealers to be chosen and sworn.

That the Inhabitants of each Town in this State, shall choose one of their able and discreet Inhabitants, to be a Sealer of Weights, and one to be a Sealer of Measures for their Town; who shall take the Oath appointed for such Officers: And no Weight or Measure shall be accounted good and legal that is not sealed and approved by said Sealers.

Weights, &c. to be sealed once a year. False weights &c. to be destroyed.

That the Sealers of Weights and Measures in the respective Towns shall, once in every Year, seal the several Weights and Measures that are used in their Town.

And all such Weights and Measures as cannot be brought to be equal with the just Standard, the said Sealer shall deface or destroy.

All weights, &c. to be brought to the sealers in April annually.

And that it is and shall be in the Power of every Sealer aforesaid, some Time in the Month of *April* yearly, to appoint a Time and Place where he will try the Weights and Measures: and to give public Notice thereof to the Inhabitants of their respective Towns, to bring their Weights and Measures to be tried: And whosoever shall neglect to bring his Weights and Measures to be tried at the Time prefixed by the Sealer, being thereunto warned, he shall forfeit the Sum of *Three Shillings*; one Half to the Sealer, and the other Half to the Town Treasury; which the Sealer shall have Power to recover from Time to Time.

Penalty on sealers for neglect.

And every Sealer that shall neglect his Duty required in, and by this Act, shall forfeit the Sum of *Thirty Shillings* for every such Default to the County Treasury.

Proviso.

*Provided nevertheless,* That nothing in the foregoing Act shall be construed or understood to interfere with any Regulation that shall or may be made, relative to the fixing the Standard of Weights and Measures, by the Congress of the United States, agreeable to the Powers vested in them by the ninth Article of Confederation.

An Act relating to Witnesses, and taking Affidavits out of Court.

*FORASMUCH as it is necessary that Witnesses in Civil Causes be sworn out of Court, when by Reason of their going to Sea, living more than twenty Miles distant from the Place where the Cause is to be tried, Age, Sickness, or bodily Infirmary, they are rendered incapable of Travel, and of appearing at Court.*

Preamble.

To the Intent thereof, that all Witnesses may impartially and indifferently testify their certain Knowledge, and the whole Truth in the Cause they are to speak unto;

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same; That for either of the Reasons aforesaid, and not otherwise, every Assistant or Justice of the Peace may take Affidavits out of Court; so as a Notification, with reasonable Time, be first made out and delivered to the adverse Party (if within twenty Miles of the Place) or left at the Place of his Dwelling, or usual Abode, to be present at the Time of taking such Affidavit, if he think fit.

Affidavits when to be taken out of court.

And every such Witness shall be carefully examined, and cautioned to testify the whole Truth; and being sworn, the Assistant or Justice shall attest the same, with the Day, Month, and Year of the taking thereof; and that the adverse Party was present, (if so) or that a Notification was sent him, and shall seal up the Testimony and deliver it to the Party, (if desired) at whose Request it was taken.

Witnesses to be cautioned.

And no Person interested, shall write or draw up the Testimony of any Witness in such Cause, nor any Attorney in his Client's Cause: And if it manifestly appear any Testimony to be Written or drawn up by any interested, or the Attorney in the Cause, or be returned from any Assistant or Justice of the Peace, by other Hand than his own, into the Court where the same is to be used, unsealed; or the Seal having been broke up: All such Testimonies shall be rejected by the Court, and be utterly void, and of none Effect in Law.

Affidavits not to be drawn up by persons interested.

That every Assistant and Justice of the Peace shall be, and is hereby empowered, upon Request to him made, to grant Summons for the Appearance of any Witness before him in any civil Cause, where such Witness is bound to Sea, or travelling out of the State, before the Time of Trial; and to take his Deposition in such Cause, the adverse Party being present, or Notification sent him, as aforesaid.

Witnesses bound out of the State, their depositions to be taken, &c.

*Provided nevertheless,* That Witnesses to Bonds, Specialties, Letters of Attorney, and other Instruments in Writing under the Hand of the Party executing the same; or to Accounts or Testimonies relating to Persons out of this State, or to be sent beyond Sea, may be sworn without such Notification, as aforesaid.

Provido.

That if any Person or Persons, upon whom any lawful Process or Summons shall be served to testify, depose or give Evidence concerning any Cause or Matter depending in any Court in this State, and having tendered to him or them such reasonable Sum or Sums of Money, for his or their Costs and Charges, as having Respect to the Distance of the Places is necessary to be allowed, as the Law requires in that behalf, do not appear according to the Tenor of the Process or Summons, having no lawful or reasonable Lett or Impediment to the contrary; that then the Party so making Default, shall for every such Offence, lose and forfeit *Thirty Shillings*, and shall yield such further Recompence to the Party aggrieved, according to the Loss and Hindrance that he shall sustain by Reason of the Non-appearance of the said Witness or Witnesses: The said several Sums to be recovered by the Party so aggrieved, against the Offender or Offenders, by Action, Bill, Plaint or Information in any Court of Record.

Penalty.

No person to be put to death, except &c.

*Be it further enacted by the Authority aforesaid,* That no Person for any Fact committed, shall be put to Death but by the Testimony of two or three Witnesses, or that which is equivalent.

Witnesses to wills may be sworn before an assistant or justice of the peace, &c.

That all Executors of Wills within this State, shall have Liberty to have the Witnesses to such Wills, examined and sworn in the usual Form, before the next Assistant or Justice of the Peace. Which Assistant or Justice shall enter the Oaths of the Witnesses on the Back-side of the Will, and attest the same: And the Oaths of the Witnesses so taken, shall be accepted by the Court of Probate, as if they had been taken before the said Court.

### An Act concerning Wrecks of Sea.

Vessels shipwrecked to be relieved, &c.

**B***E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same,* That if any Ships or other Vessels shall suffer Ship-wreck upon our Coasts, there shall be no Violence or Wrong offered to their Persons or Goods; but their Persons shall be harboured and relieved, and their Goods preserved in Safety, till Authority may be certified thereof, and shall take further Care, and give further Order therein.

Upon discovery of a wreck on the coast, duty of the selectmen to take effectual measures for saving, &c. Notice thereof to the judge of the county court, &c.

Sheriff to seize, &c. The property to be restored to the owner if he appear within a year and a day & pay cost and salvage, if no: the net avails to be lodged in the State treasury.

That so often as any ship-wrecked Property shall be discovered on the Seacoast of this State, it shall be the Duty of the Select-men of the nearest Town thereto, and it shall be lawful for any other Person to take the most effectual Measures for saving and securing the same; and if need be, such Person or Persons shall apply to an Assistant or Justice of the Peace, who is hereby authorized to grant a Warrant, directed to a proper Officer, to impress and call forth requisite Assistance for that Purpose: And that the Person or Persons securing such Property, shall immediately give Notice thereof to the Judge of the County Court in the County where the same shall be secured; who shall direct the Sheriff of said County to seize the said Property, and the same keep and hold until it shall be released or disposed of by Order of said Court. That if any Owner of such Property, being a Person intitled by the Laws of the Land, or the Laws of Nations, to a Restoration thereof, shall within a Year and a Day after such Seizure, appear and claim the same, it shall be restored to him, on his paying such reasonable Costs and Salvage, for the Persons to whom due, as the said Court shall order and allow. And in Case no such Owner shall within that Time appear, and claim said Property and pay Costs and Salvage ascertained as aforesaid, the same shall be sold by order of said Court, and the avails thereof (first deducting reasonable Costs and Salvage for the Persons to whom due) shall be lodged in the Treasury of this State.

Provido.

*Always provided,* That if the Property so seized, be of a perishable Nature, the Court having the ordering of the same, may, at their Discretion, direct it to be sold within the Time limited as aforesaid, retaining the Avails thereof for the same Purposes as the said Property was holden.

Provido.

*Provided also,* That in every Case where no Owner shall appear within one Month after such Seizure, to pay Salvage and Costs, the Court having the ordering of such Property, may, at any Time afterwards, order so much thereof to be sold as shall be sufficient to pay the Salvage and Costs.

An Act made and passed by the General Assembly of the State of *Connecticut*, held at *New-Haven* by Adjournment, on the eighth Day of *January*, *Anno Domini*, *One Thousand seven Hundred and Eighty-four*, for confirming the Laws of this State, as revised and amended; and for repealing such as are not contained in the foregoing Code.

*WHEREAS all the Statute Laws of this State have been lately revised and digested under proper Titles in alphabetical Order, with several Additions, Alterations, and Amendments, and the Whole carefully examined and considered by this Assembly.* Preamble.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That all the foregoing Acts, be, and they are hereby enacted and confirmed as the Laws of this State. Revival confirmed.

And that all other Statute Laws of this State heretofore made and published, which are not contained in the foregoing Code, be, and they are hereby repealed. Regulating clause.

*Provided nevertheless,* That all Matters commenced by Virtue of any of the Laws hereby repealed, now depending or unfinished, may be prosecuted and pursued to final Effect, in the same Manner as they might have been if this Act had not been made. Provide.

*Provided also,* That such of the foregoing Laws as remain for Substance the same as before the Revival, shall be considered as having continued in Force from the Time that they were first enacted, any circumstantial Amendments or Alterations notwithstanding. Provide.

End of the Code of Laws, as revised A. D. 1784.



# ACTS AND LAWS,

Made and passed by the General Court or Assembly of the Governor and Company of the State of Connecticut, in America; holden at Hartford (in said State) on the second Thursday of May, Anno Domini, 1784.

## An Act for regulating the Appointment of the Superior Court.

Judges of Superior Court incapable, &c.

**BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same,** That no Person shall hereafter be capable of holding the Office of Governor, Lieutenant-Governor, Assistant, or Member of the House of Representatives of this State, or of Delegate in the Congress of the United States, or either of them, and the Office of Judge of the Superior Court at the same Time.

To hold their offices during pleasure.

**And be it further enacted by the Authority aforesaid,** That the Judges of the Superior Court, shall hereafter hold their Offices during the Pleasure of the General Assembly.

Provido.

**Provided nevertheless,** That nothing in this Act shall be construed to prevent any Judge of the Superior Court appointed at this Assembly, from holding for the Term of one Year from the first Day of the Session of the present Assembly, any other Office which he now holds or to which he now stands elected.

Supreme Court of Errors constituted.

**Be it further enacted by the Authority aforesaid,** That the Lieutenant-Governor and Council of this State for the Time being, shall be the Supreme Court of Errors in this State, and shall be the dernier resort of all Matters brought by way of Error, or Complaint from the Judgment or Decree of the Superior Court in Matters of Law or Equity, wherein the Rules of Law or the Principles of Equity appear from the Files, Records and Exhibits of said Court, to have been erroneously or mistakenly adjudged and determined. And said Supreme Court are hereby impowered, authorised and enabled to take Cognizance of all such Causes that shall be brought before them as aforesaid, and shall be invested with all the Powers, Authorities and Jurisdictions necessary and requisite for carrying into complete Execution all their Judgments, Decrees and Determinations in the Matters aforesaid, according to the Laws, Customs and Usages of this State. And their Determinations and Decrees shall be final and conclusive to all concerned.

Dernier resort in matters of error in law and equity, &c.

Their power.

When and where to be holden. All writs to be returned 12 days before.

**And be it further enacted by the Authority aforesaid.** That the said Supreme Court of Errors, shall be held annually at the Place where the General Assembly shall be held, to meet on the Tuesday of the Week next before the stated Sessions of said Assembly. And all Writs returned to said Court shall be served twelve Days before the Sessions of said Court, and returned to the Clerk of said Court before the Day of said Session.

And the Secretary of this State for the Time being shall *ex officio* be the Clerk of said Court. And said Court shall have Power to adjourn from Time to Time, and to such Place as they shall think necessary and expedient.

And it is further provided, That the Lieutenant-Governor, or in his Absence the senior Councilor present shall preside, seven of whom shall constitute a Quorum.

Sec'y to be Clerk of said Court.  
Power to adjourn, &c.  
President.

### An Act establishing the Wages of the Judges of the Superior Court.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That there shall be paid the chief Judge of the Superior Court, twenty-seven Shillings, and to each assistant Judge twenty-four Shillings per Diem, as a Recompence for their Services while attending the Duties of their Office.

Judges Wages.

Be it further enacted by the Authority aforesaid, That it shall be the Duty of the Judges of the Superior Court in all Matters of Law by them decided on Writ of Error, Demurer, special Verdict or Motion in arrest of Judgment, each one to give his Opinion seriatim, with the Reasons thereof, and the same reduce to Writing and subscribe; to be kept on File; that the Case may be fully reported, and if removed by Writ of Error, be carried up with greater advantage; and thereby a Foundation be laid for a more perfect and permanent System of common Law in this State. And it shall be the Duty of the Supreme Court of Error, to cause the Reasons of their Judgments to be committed to Writing and signed by one of the Judges, and to be lodged in the Office of the Clerk of the Superior Court.

Judges to give their opinion in Writing.  
To be kept on File.  
For what purpose.  
Supreme Court of Error to reduce their reasons to writing &c.

### An Act in addition to an Act, entitled an Act for constituting Judges and Justices of the Peace in this State, and for empowering and directing them in their respective Offices.

**B**E it enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That the Judges of the Superior Court for the Time being respectively, may and they are hereby fully authorized and impowered, to exercise and execute the Office of a Justice of the Peace in and throughout this State.

Judges of the Superior Court, Justices throughout the State.

### An Act for encouraging and promoting the Commerce of this State.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled and by the Authority of the same, That the Cities and Ports of New-London and New-Haven, shall be free Cities and Ports for the Term of seven Years from the first Day of June, 1784; and all Foreigners, or Citizens of the United American States removing to either of said Cities, and who obtain the major Vote of the Inhabitants, or the Consent of the Civil Authority and Select Men of the Towns of New-London or New-Haven, shall have Right to continue in said Towns, and shall

and New-Haven free ports.

Rule for admission of Inhabitants.

be entitled to, and receive the same Protection of Law in their Persons and Properties, which the Citizens of this State are entitled to have and receive.

Persons obtaining Certificates and taking certain Oaths to become free Citizens.

*Be it further enacted by the Authority aforesaid,* That all Persons removing to and residing in either of said Cities for the Purposes of Commerce, on obtaining Certificates of the Select-men of said Towns, by Law required for Admission of Freemen, and upon their taking the Oath of Allegiance and Fidelity to this State, and the Oath by Law to be taken by Freemen, shall to all Intents and Purposes become free Citizens of this State.

Foreigners to pay no greater Duties &c. than the Citizens.

*Be it further enacted by the Authority aforesaid,* That Foreigners and Citizens of any of the United States, who shall come into or reside in either of said Ports or Cities, shall be holden to pay no other or greater Duties or Taxes, than the Citizens of this State residing in said Cities, shall by Law be holden to pay.

Merchants &c. importing into said Cities, &c. three Thousand Pounds sterling in Goods &c. or two Thousand in Money, exempted from Faculty Assessment, &c.

*Be it further enacted by the Authority aforesaid,* That any Merchants residing in said Cities, or either of them, or Company of Merchants (not consisting of more than three) who shall establish and keep up merchantile Houses in said Cities, or either of them, of which Company one at least to be a Resident in said Cities, or one of them, and Foreigners and Subjects of any other the United States, who shall remove to and reside in either of said Cities for the Purposes of Commerce, and who shall import annually into said Ports, or either of them, from Europe, Asia or Africa, Goods, Wares and Merchandize, the Growth, Produce or Manufacture of said Countries, to the Amount of Three Thousand Pounds Sterling, or who shall bring into said Cities Two Thousand Pounds in Money, shall, during the Term they shall so import, or bring in to the Amount aforesaid, and within the said Term of seven Years, be exempted from Assessment for Faculty, for or on account of the Profits arising on such Importation, so far as the Revenue of this or the United States are interested therein; the Value of such Goods, Wares and Merchandize to be determined by the Entries at the respective Naval Offices of said New- London and New- Haven; at which Office shall be exhibited at the Time of Entry, the original Invoices of said Goods, and such Invoices shall be proved by an Examination under Oath of the Importer, or some other Person who purchased the same; which Oath the said Naval Officer is hereby empowered to administer. And the Amount of the Money imported according to this Act, shall be determined to the Satisfaction of the Listers of said Towns respectively.

The Value of such Goods &c. how ascertained.

Listers to be satisfied as to Money imported.

Ships &c. employed in foreign commerce exempted from Taxes.

*Be it further enacted by the Authority aforesaid,* That all Ships and other Vessels within this State, which shall be employed four Months in one Year in the European, Asiatic or African Commerce, shall for those Years in which they shall be so employed, be exempted out of the Lists, and freed from Taxes in each Year wherein they shall be so employed.

Provido.

*Provided nevertheless,* That no Person who having adhered to the King of Great-Britain, in the Course of the late War, and under Pretext of such adherence, has been guilty of lawless and unauthorised plundering or Murder, or who has waged War against the United American States, contrary to the Laws and Usages of civilized Nations, shall be entitled to the Privileges and Benefits of this Act.

Further Provision.

*And it is further provided,* That nothing in the foregoing Act shall be construed to interfere with, or contradict any Regulations, Orders or Resolutions that have or may be come into by the United States in Con-

gress assembled, consonant to the Powers that already are, or hereafter may be invested in them by the respective States, for the Purpose of regulating Commerce. *Provided also*, That nothing herein shall be understood to imply a Countenance or, Allowance of the Slave Trade so called, on the African Coast or elsewhere.

An Act to enable the United States in Congress assembled to levy certain Duties and Imposts on certain Goods and Merchandizes imported into this State, to be applied in Payment of the Debts of the United States, contracted for supporting the late War, in Compliance with a Resolution of Congress of the Eighteenth of April, 1783.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the United States in Congress assembled be, and they are hereby fully authorized and empowered to levy for the Use of the United States aforesaid, the following Duties upon Goods imported into this State from any foreign Port, Island or Plantation not within any of the United States; upon all Rum of Jamaica Proof per Gallon, four Ninetieths of a Dollar; upon all other spirituous Liquors, three Ninetieths of a Dollar; upon Madeira Wine, twelve Ninetieths of a Dollar, upon all other Wine six Ninetieths of a Dollar; upon common Bohea Tea per Pound, six Ninetieths of a Dollar; upon all other Teas, twenty-four Ninetieths of a Dollar; upon Pepper per pound, three Ninetieths of a Dollar; upon brown Sugar per Pound, one half Ninetieth of Dollar; upon Loaf Sugar, two Ninetieths of a Dollar, upon all other Sugars, one Ninetieth of a Dollar; upon Molasses, one Ninetieth of a Dollar per Gallon; upon Cocoa and Coffee per Pound, one Ninetieth of a Dollar; and upon all other Goods a Duty of five per Cent. ad Valorem, at the Time and Place of Importation for and during the Term of twenty-five Years.

Congress authorized to levy an Impost.

Articles enumerated with their rates.

*Provided always, and be it further enacted by the Authority aforesaid*, That the whole of said Duties shall be applied to the Discharge of the Interest and Principal of the Debts contracted on the Faith of the United States for supporting the War, agreeable to the Resolution of the United States in Congress of the Sixteenth Day of December last, in the following Manner, viz. Whenever the Duties aforesaid, with other Funds that may be provided for that Purpose, shall exceed the Sum requisite for Payment of the annual Interest of the National Debt contracted as aforesaid, then the Surplus shall become a sinking Fund and be inviolably Appropriated to the Payment of the Principal of the said Debt, and shall on no Account be diverted to any other Use.

Proviso.

*Provided also*, That the United States in Congress assembled, shall as soon as the public Debt can be liquidated furnish the State annually with the Amount thereof and the Interest thereon; and also the Proceeds and Disposition of the Funds provided for the Redemption thereof, agreeable to the Resolution of Congress of the 16th of December 1782.

Further proviso.

*And be it further enacted by the Authority aforesaid*, That all such Rules and Ordinances as shall be made by the United States in Congress assembled, for Levying and Collecting said Duties not inconsistent with the Constitution and internal Police of this State, shall be duly observed.

Rules for collecting, to be duly observed.

*Proviso.*

*Provided nevertheless,* That the Collectors of said Duties shall from Time to Time, as there may be Occasion, be appointed by the General Assembly, or in their Regess, by the Governor and Council of this State; which Collectors shall be accountable and amenable to and removable by the United States in Congress assembled, who are also hereby authorized to appoint such Collectors in Case this State do not appoint them within one Month after Notice received for that Purpose.

*When to be in Force.*

This Act to commence and be in Force as soon as the United States in Congress shall make and publish an Ordinance for collecting the aforesaid Duties, in consequence of similar Acts having been passed by all the other States in the Union.

**An Act for levying and collecting a Duty on certain Articles of Goods, Wares and Merchandize imported into this State, by Land or Water.**

*State Duties.*

**B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That from and after the twenty third Day of June, One thousand seven hundred and eighty-four, there shall be paid on the following Articles imported or brought into this State, by Land or Water, from any of the United States of America, the following Duties, viz: On all Wines per Gallon, one Shilling; Brandy per Gallon, eight Pence; Geneva per Gallon, eight Pence; Rum per Gallon, four Pence; Snuff per Pound, six Pence; Bohea Tea per pound, four Pence; all other India Teas per Pound, two Shillings; Coffee per Pound, two Pence; Chocolate per Pound, two Pence; Loaf Sugar per Pound, three Pence; Brown Sugar per Pound, one Penny; all Malt Liquors not the Manufacture of the United States per Gallon, one Shilling; and on Writing and Printing Paper per Ream, two Shillings and six Pence.

*Articles enumerated, with their Rates.*

*All other goods, &c. 5 per Cent.*

And be it further enacted by the Authority aforesaid, That from and after the twenty-third Day of June, one thousand seven hundred and eighty-four, there shall be paid a Duty of five per Cent. ad Valorem, at the Time and Place of Importation, upon all other Goods, Wares and Merchandize, not before enumerated in this Act, that are not the Growth, Produce or Manufacture of the United States, that shall be brought or imported into this State, by Land or Water, from any of the United States.

*Proviso.*

*Provided nevertheless,* That if any Goods, Wares and Merchandize, by this Paragraph of this Act liable to pay a Duty of five per Cent. the Property of any Citizen or Citizens of this State solely, and by such Citizen or Citizens imported into any other of the United States, from any foreign Port or Place, with a Design and Intent to be imported into this State, shall be imported from such State into this State; such Goods, Wares and Merchandize shall be exempted from paying the Duty imposed by this Paragraph of this Act, provided the Owner or Owners of such Goods shall make it appear, to the Satisfaction of the Judge of the County Court of that County in this State, into which they shall be imported, that such Goods, Wares and Merchandize, come within the Proviso of this Paragraph of this Act, and shall procure a Certificate from such Judge, that such Satisfaction hath been made, and shall lodge the same with the Naval-Officers of the Port, if imported by Water, or the Collector of the Town, if imported by Land, into which the said Goods,

Wares and Merchandize are imported, within forty-eight Hours after the same shall have been thus imported. And for the more effectually collecting and securing the Duties imposed by this Act.

*Be it Enacted by the Authority aforesaid,* That at the Time of entering every Ship or Vessel of the Burthen of thirty-five Tons or more, shall be exhibited to the Naval Officer, at whose Office such Ship or Vessel is entered, the original Invoices of all the Articles contained in the Manifest, herein after directed to be exhibited; which Invoices shall then be by the Oath of the Master of such Ship or Vessel, or some other Person, proved to be the original Invoices of such Articles; and twenty-five per Cent. added to the Prices at which the Articles specified in such Invoices are set, shall be deemed and taken to be the Value of such Articles at the Time and Place of Importation. And the Oath to be taken by the Person proving such Invoices, under Oath, shall be as follows, to wit.

*You swear by the Name of the ever living God, that the Invoices by you made and exhibited to me are the true original Invoices of the Articles which are therein specified and enumerated; and that the Prices set to the Articles therein enumerated, are the Prices at which those respective Articles were bona fide bought.* So help you God.

And the Master of every Vessel or Boat, under the Burthen of thirty-five Tons, or some other Person, shall at the Time of exhibiting the Manifest herein after directed to be exhibited of the Cargo imported in such Vessel or Boat, exhibit the original Invoice of the Articles contained in such Manifest, and prove the same in the same Manner as is before provided in the last preceding Paragraph. And every Person importing any Articles by Land into any Town in this State, shall in like Manner at the Time of rendering to the proper Collector herein after provided, an Account of the Articles by him thus imported, exhibit and prove by Oath the original Invoice of such Articles. And the respective Naval Officers and Collectors are hereby empowered to Administer said Oath; and if in any of the Cases aforesaid, the original Invoices shall not be exhibited and proved, or in Case the Naval Officer or Collector to whom exhibited, shall not be satisfied with the Proof of such Invoice, such Naval Officer or Collector may at his discretion Nominate and Appoint two discreet Persons to determine and ascertain the Value at the Time and Place of Importation of the various Articles contained in the Manifest, or Account exhibited, which Persons shall be by the Naval Officer or Collector appointing them, sworn well and truly, to apprise such Articles at their true and just Value, at the Time and Place of Importation; and the Cost and Expence attending such appraisal, shall be paid by the Master or other Person exhibiting the Manifest or Account herein after directed to be exhibited: And the Appraisers shall each have for such Service at the rate of ten Shillings per Day; and in any Case where such Appraisers shall not spend a whole Day in such Service, the Naval Officer or Collector, by whom they were appointed, shall determine what proportion of a Day they shall be paid for, and his Determination in such Case shall be final.

*And be it further Enacted by the Authority aforesaid,* That the Master of every Ship or Vessel, of the Burthen of thirty-five Tons or more, that shall after the twenty-third Day of June next, arrive at or come into any Port, Harbour, River or Creek in this State, shall within twenty-four Hours after his thus arriving, duly enter his Ship or Vessel, at the Naval Office of the Port in which he arrives, and shall under Oath exhibit to such Naval Officer, a true and perfect Manifest in Writing, subscribed by him, of every Article of Goods, Wares and Merchandize, import-

Method of collecting-

Masters of ships, &c. above 35 tons, to exhibit invoice to the naval officer.

25 per cent. to be added.

Form of the oath.

Vessels, &c. under 35 tons. Invoice to be exhibited. Articles imported by land.

Naval officer &c. to administer oath.

No invoice: &c. Naval officers to appoint appraisers.

Cost and expence paid by the master &c.

Appraisers Fees.

Ships &c. 35 tons or more to enter at the naval office.

Exhibit a manifest under oath.

ed or brought into this State on board such Ship or Vessel, as well of the Cargo and Lading of such Ship and Vessel as the Baggage of Passengers. And the Form of the Oath to be taken by such Master relative to such Manifest, shall be as follows :

*You swear by the Name of the ever-living God, that the Manifest by you now exhibited, contains a true and perfect Account of all the Goods, Wares and Merchandize taken on board your Ship or Vessel, and imported by you in her from the Ports or Port from whence your Ship or Vessel came ; and that the Bulk of your Vessel hath not been broken, nor any Article whatever been unloaded therefrom, according to your best Knowledge and Belief. So help you God.*

Form of the Oath.

Vessels under 35 Tons, to exhibit Manifest.

Duties how and by whom paid.

Ships, &c. not entered, Manifest not exhibited, &c. to be forfeited.

Forfeitures how disposed of.

*And be it further enacted by the Authority aforesaid, That the Master of every Vessel or Boat, under the Burthen of thirty-five Tons, coming into any Port, Harbour, River or Creek in this State, from any Place out of the State, shall within twenty-four Hours after arriving in any such Port, Harbour, River or Creek, make and under Oath exhibit a true and perfect Manifest of every Article of Goods, Wares and Merchandize, imported or brought into this State on board such Vessel or Boat, as well of the Cargo and Lading of such Vessel or Boat, as of the Baggage of Passengers, to the Naval Officer or Collector resident in the Town in which such Vessel or Boat arrives, the Form of which Oath shall be the same, mutatis mutandis, as the Oath herein before in the next preceeding Paragraph provided ; and the Naval Officers and Collectors are hereby respectively impowered to administer such Oath ; and the Master of every Ship or Vessel of the Burthen of thirty-five Tons and upwards, and the Master of every Ship, Vessel or Boat, or some other Person in their behalf shall at the Time of exhibiting the Manifest, by this Act required, pay to the Naval Officer or Collector to whom such Manifest is exhibited, the Duties by this Act payable on the Articles contained in such Manifest, or in Case the whole Amount of such Duties exceeds the Sum of four Pounds lawful Money, give Bonds with two sufficient Sureties to such Naval Officers or Collector, in double the Sum of such Duties, that the said Duties, with the Interest thereof, shall be paid within one Month from the Date of such Bond. And every Ship, Vessel or Boat, in which any article of Goods, Wares and Merchandize shall be imported into this State, and of which a due and proper Entry shall not be made at a proper Naval Office, according to the Requirements of this Act, or of the Cargo of which a true and perfect Manifest shall not be exhibited, according to the Requirements and Provisions of this Act, and the Duties due on such Articles be paid or secured to be paid, as is herein before directed, or out of which shall be unladen or taken by any Person whatever, any Article of Goods, Wares and Merchandize, before the Measures and Procedure directed by this Act have been perfectly complied with, shall with its Tackle, Apparel, Furniture and Cargo, whether on board or unladen, be forfeited as lawful Prize, and be liable to be seized, libelled and condemned, by and to any Person whatever, in manner hereinafter directed ; the one Moiety whereof after deducting the Cost of Prosecution, shall be to the use of the Person seizing, libelling, and prosecuting the same to final condemnation, if a private Person, and the other Moiety to the Treasurer of this State, to and for the use of this State ; but if the Person seizing, libelling and prosecuting, be a Naval Officer of this State, or a Collector appointed according to this Act, or an Informing Officer, one fifth part thereof shall, after deducting the Cost of Prosecution, be to the use of the Naval Officer, Collector, or Informing Officer, so seizing, libelling and prosecuting and four fifths thereof to the Treasurer of this State, to and for the use of this State. And all Naval Officers,*

and said Collectors and Informing Officers, are hereby directed to make diligent Enquiry after, and prosecute all Breaches of this Act. Who to prosecute.

And to prevent Doubts and Controversies relative to the Mode of proceeding in Cases of Seizures made by virtue of this Act.

*Be it further Enacted*, That every Person intending to make a Seizure by force of this Act, shall make complaint in Writing, to some Assistant of this State, or Justice of the Peace within and for that County in which the Vessel or other Property to be seized is in, such Complaint stating the Cause of Prosecution, and thereupon such Assistant or Justice, having taken a Recognizance with good and sufficient Surety to the Treasurer of this State, to a sufficient Amount, provided the Complaint is made by a private Person, that the Complainant shall prosecute his Complaint to effect, and pay all such Costs and Damages which the Owner or Owners of the Property seized may suffer or sustain by such Seizure and Prosecution, together with all such Costs as shall be taxed in favour of the Claimant or Claimants, by the Court finally trying said Cause, may, and shall issue a Warrant under his Hand, directed to some proper Officer, him commanding to seize the Ship, Vessel or Boat, complained against, together with her Tackle, Apparel, Furniture and Cargo, whether on board or unladen, and the same having seized, to cause to be inventoried by two judicious Freemen, nominated in such Warrant, and keep in safe Custody till released by due order of Law; and the Officer serving such Warrant shall forthwith cause the Property by him seized, to be inventoried by the Freemen in his Warrant named, and such Property shall not be removed from the Store or Place where seized, until such Inventory shall have been made and signed by said Freemen, and a Copy thereof left at the Store or Place where the Property is seized, or with the Owner thereof, (if known by such Officer) and no Naval Officer, or Collector appointed by Force of this Act, or Informing Officer, shall be obliged to give Bond on any Warrant by them or either of them taken out, on any Complaint made in their official Capacity; and no Property seized by Force of this Act shall be repleviable. Complaint to be made in writing: Stating cause of prosecution A recognizance to be taken. Warrant to be issued. Inventory to be taken. Copy to be left. Naval officer &c. not to give bond. Property seized not repleviable. Ships &c. libelled &c. writ in 48 hours after seizure. County court to try the same. Monition to be issued. How published. Time of trial not to exceed 20 days from &c. Vessels under 25 tons how libelled and tried.

And all Ships and Vessels of the Burthen of thirty-five Tons, or more, with their Tackle, Apparel, Furniture and Cargoes, seized by Virtue of this Act, shall, within forty-eight Hours after Seizure, be libelled before the Judge of the County Court of that County in which seized; or if such Judge is absent out of the County at the Time of libelling, before the senior Justice of the Quorum of such County, present therein at the Time of libelling. And the County Court of that County in which such Seizure is made, shall have full Power to hear, try and determine said Libel, according to the Provisions of this Act; and the Person before whom the Libel is filed, shall thereupon forthwith issue a Monition, in Writing, under his Hand, appointing the Time and Place of holding a County Court, for the Trial of such Libel, which County Court, such Judge or Justice of the Quorum are hereby respectively empowered to convene, and such Monition shall, as soon as may be thereafter, be published for two successive Weeks exclusive of the Day of Trial, in some public News Paper in or nearest the Town where the Seizure is made; and the Judge or Justice of the Quorum issuing such Monition, shall in no Case appoint the Time of Trial at the Distance of more than twenty Days from the Date of the Monition, which shall in all Cases bear Date within forty-eight Hours after the Seizure is made. And all Vessels and Boats under the Burthen of twenty-five Tons, and their Tackle, Apparel, Furniture or Cargoes, seized by Virtue of this Act, shall and may be libelled before the Judge of the County Court, and the senior Justice of the Quorum of that County in which the seizure is made, present in said County

at the Time of libelling, or in Case the Judge of said County Court is absent out of said County at the Time of libelling, the same may be libelled before the two senior Justices of the Quorum of such County, present in such County at the Time of libelling; and said Judge and Justice of the Quorum, or two Justices of the Quorum, shall as to such Libel have the same Powers and Authorities as the County Court by this Act, have in Cases of Libels filed against Vessels and their Cargoes of thirty-five tons Burthen or upwards. And a Monition signed by either of the Persons before whom by this Clause of this Act the Libel is to be filed, shall be good and effectual; and the same Rules shall be observed with respect to the Date and Time of publishing such Monition, and appointing the Time of Trial of such Libels that are herein before provided, in Cases of Libels to the County Court; and the senior Justice of the Quorum shall be the Clerk of such Court, and shall be entitled to have and receive the same Fees as the Clerk of the County Court by this Act is entitled to receive; and no Person shall be admitted to file his Claim on any Libel in any of the Cases aforesaid, until he shall have become bound to the Libellant before the Court before which the Libel is pending, with good and sufficient Surety, jointly and severally, in a Recognizance to such Amount as by such Court shall be directed, to prosecute his Claim to effect, and pay all such Costs as shall be occasioned by filing such Claim, and be allowed and taxed by such Court. And such Claimant may in any of the Cases aforesaid, put in such special Claims as he may think proper, and the Libellant shall on such Claim either specially reply, traverse, join issue, or demur; and the Parties shall have the same Rights as to pleading, as Parties by Law have in ordinary common law Causes. And in all the Cases aforesaid the Cause shall be heard by the Court without a Jury, and an Appeal shall be allowed to either Party, to the next Superior Court to be holden in that County where the Trial is had. And in Case the Libellant shall prevail against the Claimant, the Court before whom the Trial is had shall tax the Costs occasioned by such Claim against the Claimant and his Surety, and grant Execution against them, or either of them therefor, in common Form, under the Hand of the Clerk of the Court. And in Case the Claimant shall prevail against the Libellant, the Court before whom the Trial is had shall tax Cost in favour of the Claimant against the Libellant and his Surety, and grant Execution against them, or either of them, for such Cost in common Form, under the Hand of the Clerk of the Court, provided the Libellant be a private Person; but no Cost shall in any Case be taxed in favour of a Claimant against a Libellant who is a Naval Officer, Collector or Informing Officer, libelling in his official capacity. And the Judges and Justices of the Quorum aforesaid, shall be allowed the same Fees, per Diem, in any of the Cases aforesaid, as they are allowed when sitting as a County Court. And the Clerks Fees, Sheriffs Fees, Witnesses Fees, Libellants Fees, and Attornies Fees, shall be as stated and set in the following Table, viz.

Clerk's Fees,		£.	s.	d.
Clerk's Fees.	For Citation for Appearance,	-	0	2 0
	For Summons for a Witness,	-	0	1 0
	For filing Papers and taxing Cost,	-	0	3 0
	For interlocutory Decree, Recording, &c.	-	0	2 0
	For a definitive Decree and Recording,	-	0	6 0
	For taking every Evidence in Court,	-	0	1 0
	For a Copy of a Libel,	-	0	3 0
	For Copy of a Decree,	-	0	6 0
	For a Retrazit,	-	0	1 0

State Duties.

275

	£.	s.	d.
For all Money paid into Court on Condemnation, one eighth per Cent. Poundage:			
For entering a Motion for Appeal,	0	1	0
For allowing or disallowing thereof,	0	1	4
For all Copies not exceeding one Sheet,	0	1	0
If above one Sheet for every Sheet (each Sheet containing 400 Words)	0	1	0
For every Adjournment,	0	1	3
For every Bond to prosecute an Appeal,	0	1	6

Sheriff's Fees.

For serving all Writs, Citations and Warrants the same  
Fees as is already by Law allowed in other Cases.

One half per Cent. upon the sale of any Vessel, Cargoe  
and Appurtenances condemned, provided the A-  
mount thereof doth not exceed one thousand pounds ;  
but when the Value and Sale of such Vessel, Cargoe  
and her Appurtenances shall exceed one thousand  
Pounds, then the said Sheriff shall have one half per  
Cent. upon the first thousand Pounds, and one eighth  
per Cent. upon all Sums over.

Sheriff's  
Fees.

For Witnesses per Day,	0	4	0
For their Travel, per Mile,	0	0	4

Attornies Fees.

For drawing a Libel,	0	6	0
For pleading thereto, and attending the Court, such Fees as the Court shall judge reasonable.			Attornies Fees.

*And be it further enabled by the Authority aforesaid, That the Master of every Ship or Vessel of the Burthen of thirty-five Tons or more, who shall not duly enter his Ship or Vessel at the proper Naval Office, and also make a Manifest, and pay or cause to be paid, or secure or cause to be secured, the Duties payable by this Act, according to the Provisions aforesaid, or out of whose Ship or Vessel any Article whatever shall be landed or the Bulk of whose Ship or Vessel shall be broken before the Provisions of this Act relative to entering, making a Manifest, paying or securing to be paid, the Duties payable by this Act, shall have been completely complied with, shall forfeit and pay the Sum of Five Hundred Pounds. And in Cases of Vessels or Boats, under the Burthen of thirty-five Tons, the Master shall in the Cases specified in the next preceeding Paragraph, forfeit the Sum of One Hundred Pounds.*

Ships or Ves-  
sels of 35 tons  
or more not  
duly entering.

Penalty

*And be it further Enabled by the Authority aforesaid, That there shall be appointed by the respective County Courts of the several Counties, within whose Limits the several Towns in which the Collectors by this Act directed to be appointed are situate, to continue in Office during the Pleasure of the General Assembly, a Collector in each of the Towns of Greenwich, Stamford, Fairfield, Stratford, Millford, Derby, Branford, Guilford, Killingworth, Saybrook, Lyme, Groton, Stonington, Preston, Voluntown, Killingly, Pomfret, Woodstock, Union, Stafford, Somers, Enfield, Suffield, Simsbury, Hartland, Colebrook, Norfolk, Canaan, Salisbury, Sharon, Kent, New-Millford, New-Fairfield, Danbury, Ridgfield, Haddam, East-Haddam, Chatham, Wethersfield, Glastenbury, Hartford, East-Hartford, Windsor, East-Windsor, and Windham ; which Collectors shall each give Bonds, with two sufficient Sureties to the Treasurer of this State, in the Sum of Five Hundred Pounds, That such Collector shall well and faithfully to the best of his Abilities, collect all such Duties as*

County  
Courts to ap-  
point Col-  
lectors.

In what  
Towns.  
To give Bonds

To be under  
Oath.

by this Act are to be by him collected, and that he will once in three Months, faithfully transmit to the Treasurer of this State for the Time being, a true and just Account under Oath of all such Duties as shall be by him collected; and also a true and just Account of such Duties as have been secured to be paid to him, according to the Provision of this Act, and that he will once in three Months pay over to the said Treasurer, all such Monies or Certificates for Interest as he shall receive for Duties imposed by this Act, and each Collector shall before some Assistant or Justice of the Peace, previous to his entering upon the Execution of his Office, take the following Oath;

Form of the  
Oath.

*You swear by the Name of the ever living God, that you will well and faithfully execute the Office of Collector of Imposts, so long as you shall continue in said Office, according to the Condition of the Bond you have given as Collector as aforesaid. So help you God.*

Importations  
by Land  
regulated.

*And be it further Enacted by the Authority aforesaid, That every Person Importing by Land from any Place out of this State into either of said Towns, either for the Purposes of Traffick or his own Consumption, any Articles whatever, by this Act liable to a Duty, shall within twenty-four Hours after such Article or Articles shall have been thus imported, render under Oath, a true and just Account in Writing of the Quantity and Kind of each Article thus imported, which Oath such Collector is hereby empowered to administer; and such Persons shall thereupon at the Time of rendering such Account, pay in Hand to such Collector, the Duty payable on such Articles, or if the Amount of the Duties exceed the Sum of Four Pounds, become bound to such Collector in a Bond with two sufficient Sureties, in the same Manner in all respects as is herein before prescribed with respect to Duties payable to a Naval Officer; and it shall be the Duty of the Naval Officer or Collector, to whom a Manifest or Account shall be (according to the Requirement of this Act) exhibited, and the Duties payable on the Goods, Wares and Merchandize enumerated in such Manifest or Account paid, to give a Certificate thereof, if required by the Person exhibiting such Manifest or Account, and paying such Duties; and if at the Time of seizing any Ship, Vessel, Boat, Goods, Wares and Merchandize, there shall not be exhibited such Certificate to the Officer making such Seizure, by the Person from whom taken or some other Person in his behalf, no Cost or Damage shall be allowed the Prosecutor of such Ship, Vessel, Boat, Goods, Wares, or Merchandize, although such Prosecutor may prevail against the Libellant on a Claim and Trial, any thing in this Act to the contrary notwithstanding. And if any Person whatsoever shall import by Land into this State, any Article whatsoever liable by this Act to the Payment of a Duty, and shall not render an Account thereof to the Collector, and also pay or secure to be paid as the Case shall require, the Duties payable by this Act, according to the Provisions of this Act, every such Article so imported, together with the Horse or Horses, Oxen, Cart, Waggon or Carriage, used and employed in importing the same, or transporting the same from one Place to another, after having been so imported, shall be forfeited in the same Manner, and may be seized, libelled and proceeded against in the same Manner, and disposed of to the same Persons and Purposes, as is herein before provided, with respect to Vessels or Boats under the Burthen of thirty-five Tons, and their Cargoes, that are forfeited by this Act. And every Person who shall import by Land into this State, or be aiding or assisting therein, any Articles whatever liable by this Act to the Payment of a Duty, without rendering a true and just Account thereof, according to the Provisions*

Forfeitures.

How recovered.

of this Act, to the proper Collector, and paying or securing to be paid, the Duties, payable on such Articles, according to the Requirements of this Act, shall forfeit and pay for each Offence, double the Value of such Articles. Penalties.  
And all the foregoing pecuniary Penalties, shall be recoverable by Action of Debt, brought before any County Court proper to try the same, and shall be in Case of being sued for by any private Person, one Half to him who sues for and recovers the same, and the other Half to the Treasurer of this State, to and for the Use of the State, and in Case of being sued for by a Naval Officer or Collector appointed by this Act, or any Informing Officer, such Penalty shall one fifth Part thereof be to the Naval Officer, Collector or Informing Officer, suing therefor, and the other four Fifths to the Treasurer of the State, How recovered.  
to and for the Use of this State.

*Provided nevertheless,* That where any of said Penalties shall be sued for by a Naval Officer, Collector or Informing Officer, the Defendant in such Action shall not recover any Cost against such Plaintiff, notwithstanding the Cause may have been decided in Favour of the Defendant, nor shall the Defendant in such Case be liable to pay Cost to such Naval Officer. Provido.

And it is hereby declared to be the Duty of said Naval Officer, Collector and Informing Officers, to Prosecute every Breach of this Act, where a pecuniary Penalty is thereby incurred.

*And be it further enacted by the Authority aforesaid,* That every Naval Officer and Collector, as soon as any Bond taken by him for the Payment of Duties shall become due, shall as soon as may be, put the same in Suit against all the Obligors, and no Appeal or Review shall be allowed in any such Suit, and those Bonds that are not Cognizable by a single Minister of Justice, may be put in Suit before any Court proper to try the same, who are hereby authorized to hear, try and determine the same, without a Jury, tax Costs, and grant Execution in common Form.

*And be it further enacted by the Authority aforesaid,* That the Monies arising from the Duties imposed by this Act, shall be appropriated to pay the Interest of the Monies loaned to this State; and the respective Naval Officers and Collectors may receive Certificates of Interest signed by the Treasurer of this State for such Duties. Monies how disposed of.

*Provided nevertheless,* That no Certificate for Interest bearing Date before the first Day of last February, shall be receivable by such Naval Officers or Collectors. Provido.

*Provided nevertheless,* That nothing in this Act contained, shall be construed to oblige the Master of any Sloop or Vessel of thirty-five Tons Burthen or more, bound to any other Port in this State, or to some Port in any other State, that may happen to come into some Port, Harbour or Creek, other than that to which such Ship, Vessel or Boat is destined, to enter such Ship or Vessel at the Naval Office of that Port in which such Ship or Vessel may happen to come, provided the Master of such Ship or Vessel do not continue in such Port, Harbour, River or Creek, more than seventy-two Hours, or in Case of being obliged through stress of Weather to continue longer, do make Report of his Ship or Vessel and Cargo to the proper Naval Officer, as soon as may be after said seventy-two Hours.

Further pro-  
viso.

*And provided nevertheless,* That no Master of any Vessel or Boat, under the Burthen of thirty-five Tons, that may happen to come into some Port, Harbour, River or Creek in this State, but bound to some other Place in this State, or to some other Place in another State, shall by Force of this Act be compellable to make a Manifest of his Cargo, to the Collector of that Town in which such Vessel or Boat may happen so to come, provided such Vessel or Boat do not continue in such Port or Harbour, more than seventy-two Hours, or in Case of being obliged by stress of Weather do continue longer, the Master thereof do make Report to such Collector of her Cargo, as soon as may be after seventy-two Hours.

Collectors  
Fees.

Naval Offi-  
cers Fees.

*And be it further Enacted by the Authority aforesaid,* That the Collector to whom the Master of any Vessel or Boat, under the Burden of thirty-five Tons, shall make and exhibit a Manifest agreeable to this Act, shall be entitled to receive from such Master, Six Shillings, for receiving such Manifest and administering the Oath required thereto, and shall also be entitled to receive for every Bond by him taken for Duties, the Sum of Two Shillings, and the respective Naval Officers shall be entitled to the same Fees for like Services; and the Naval Officer to whom the Master of any Ship or Vessel, of thirty-five Tons Burthen or more, shall make and exhibit a Manifest according to this Act, shall be entitled to receive from such Master, Nine Shillings, for receiving such Manifest and administering the Oath required thereto; and Two Shillings for each Bond by him taken for the Payment of Duties.

And whereas it often happens that Goods, Wares and Merchandize, the Property of Citizens of the neighbouring States, are shipped on board of Ships, Vessels and Boats, the Property of the Citizens of this State, and imported into this State, in order to be from this State transported to some other States,

Goods in cer-  
tain Cases ex-  
empt from  
Duties.

*Be it Enacted by the Authority aforesaid,* That in all the Cases aforesaid, such Goods, Wares and Merchandize, shall be exempted from the Payment of the Duties by this Act imposed, provided the Person Owner of such Goods, or some other Person in his or their behalf, do within twenty-four Hours after the Ship, Vessel or Boat, in which the same were imported into this State, as its Port of delivery in this State, become bound to the Naval Officer of the Port, if a Ship or Vessel of thirty-five Tons or more, or to the Naval Officer or Collector of the Town, if under the Burthen of thirty-five Tons, in a Sum equal to the Value of the Goods, Wares and Merchandize thus intended to be transported out of this State, that such Goods shall not be sold in this State, but transported out thereof within one Week; and the Naval Officer or Collector taking such Bond, shall receive from the Person giving the same, three Shillings Lawful Money.

Libellants  
Cost in Case  
of Failure  
how paid.

*And be it further Enacted,* That when any Naval Officer, or Collector or Informing Officer, shall by Virtue of this Act, seize and libel any Vessel, Boat, Goods, Wares or Merchandize, or shall commence any Suit for the Recovery of any of the pecuniary Penalties of this Act, and shall fail of supporting such Libel, or such Action, the Cost of such Naval Officer, collector, or Informing Officer, shall be defrayed out of the public Treasury of this State; and the Court before which the Trial is had, in either of the Cases aforesaid, shall tax such cost, and draw an Order therefor on the Treasurer of the State accordingly:

*And be it further enacted by the Authority aforesaid,* That if any Person

exhibiting a Manifest, Invoice or Account, according to the Requirements of this Act, and making Oath to such Manifest, Account or Invoice, shall be convicted of falsifying the Truth in any Particular which such Oath respects, the Person so falsifying the Truth shall be adjudged guilty of wilful Perjury, and shall suffer the Pains and Penalties to be inflicted, according to the Provisions of a certain Statute of the State, entitled, An Act for the Punishment of Perjury, and any Person convicted of wilful and corrupt Perjury against the form of said Statute.

Penalty for false Manifests or Oaths.

And the Naval-Officers collecting Duties by Force of this Act, shall be entitled to receive out of the Duties by them collected, at the Rate of two and a half per Cent. for their Labour, Trouble and Expence, in and about the Execution of the Duties of their said Office. And the Collectors appointed in pursuance of this Act, shall be entitled to receive out of the Duties by them collected, at the Rate of five per Cent. for their Labour, Trouble and Expence, in and about the Execution of the Duties of their Office.

Naval Officer 2 and a half per Cent.

Collector 5 per Cent.

An Act in Addition to an Act entitled an Act for laying an Excise on Sundry Articles of Consumption within this State.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Act aforesaid shall extend and the same is hereby extended in every Article and Provision thereof, to every intent and purpose to all Goods, Wares and Merchandize, not enumerated in said Act, except the Growth and Manufacture of this or the United States, that shall from and after the first Day of July next, be sold by retail within this State; and that the Excise to be paid on all Articles to which said Act did extend, laying an Excise of five per cent. and to which it is hereby extended, shall be two and a half per cent. on the Value thereof, in Lawful Money, at the Time of purchasing or procuring the same, by the Person or Persons who shall retail or consume the same, any Law, Usage or custom to the contrary notwithstanding.

Excise extended.

Rate per Cent.

And whereas Doubts have arisen in some Cases as to what shall be considered selling by Retail within the Meaning of said Act:

Be it further enacted by the Authority aforesaid, That all Sales that shall hereafter be made in this State of imported Wine or distilled Spirits, by less Quantity than forty Gallons; Bohea Tea by less Quantity than seventy five Pounds, other Teas by less Quantity than fifty Pounds; Coffee by less Quantity than one hundred Pounds neat weight; imported Chocolate by less Quantity than fifty Pounds; imported Loaf Sugar by less Quantity than one hundred Pounds neat weight; other imported Sugars by less Quantity than two hundred gross weight; and all imported Salt by less Quantity than thirty Bushels at one Time, shall be considered a selling by retail within the Meaning of said Act. And that all Sales that shall hereafter be made of any other Goods or Articles enumerated in said Act, or to which the same is by this Act extended as aforesaid to any Person or Persons whatever, except by wholesale to some Retailers in this State duly licenced as in said former Act is provided, and whose Licence shall be in force and produced to the Venders at the Time of such Sale, shall be considered a selling by retail, within the Meaning of this Act, and be subject to the Payment of the Excise accordingly.

Retailing described.

Articles  
enumerated.

*And be it further enacted by the Authority aforesaid, That the Excise for the future on all imported Wines shall be nine Pence per Gallon ; on all imported Brandy six Pence per Gallon ; on all imported Geneva six Pence per ditto ; on all Bohea Tea four Pence per Pound ; on all other India Tea one Shilling and six Pence per ditto ; on imported Chocolate two Pence per Pound ; on all imported Malt Liqueurs six Pence per Gallon ; on all foreign Salt three Pence per Bushel, and all brown Sugar half-penny per Pound ; any Law, Usage or Custom to the contrary notwithstanding.*

Collectors to  
render Ac-  
count to the  
State Treas-  
urer.

*And be it further enacted by the Authority aforesaid. That the Collectors of Excise shall, upon their rendering their Accounts to the Treasurer of the State agreeable to the Provision of said Act, take a Certificate from the Treasurer of their having so done, and lodge the same with the Clerk of the County Courts in the County to which they respectively belong, within one Month from the Time of taking the same, on pain of forfeiting the Penalty of their said Bonds. And it shall be the Duty of the States Attornies in their respective Counties to enquire after such Certificates, and to prosecute all delinquent Collectors for breach of this Act.*

Fees for col-  
lecting.

*And be it further enacted by the Authority aforesaid, That for the future the several Collectors of Excise in this State shall be entitled to receive only five per Cent. on the Monies collected, instead of seven and a half per Cent. which they have been heretofore allowed by said Act.*

### An Act laying a Duty in certain Cases.

Preamble.

*WHEREAS a considerable Part of the Expence arising annually to this State, for the Support of Civil Government is incurred in the executive and judicial Departments. As an Expedient and further Means of providing for the same,*

Duty on  
Writs.

**B***E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That there be laid and raised, for the Purpose aforesaid, the following Duties or Sums, viz. On all Writs returnable for Trial before a single Minister of the Law, One Shilling, to be paid at the Time of issuing the same, and to the Authority that shall sign them ; on all Writs returnable for Trial before any court of common Pleas or city court, two Shillings, payable as aforesaid ; on all Writs returnable for Trial before the Superior Court, six Shillings, payable as aforesaid ; on all Writs returnable for Trial before the Supreme court of Errors, twelve Shillings, payable as aforesaid ; on all Appeals from a Judgment of a single Minister of the Law, three Shillings, payable to such Minister at the Time of granting the same ; on all Appeals from a Judgment of a court of common Pleas or a city court, six Shillings, and on all continuances in the courts of common Pleas and city courts, nine Pence, and in the Superior Courts, one Shilling and six Pence, payable to the clerks of such courts respectively at the Time of granting the same ; and on every Register of a Vessel taken out in this State, six Shillings, payable in the Naval Office from whence the same shall issue, at the Time of taking out the same.*

On Appeals.

On Contin-  
uances.

On Regis-  
ters.

Receivers  
when and  
where to  
account.

*And be it further enacted by the Authority aforesaid, That it shall be, and it is hereby made the Duty of each and every of the Officers aforesaid, who are made Receivers of said Duties, annually, in the Month of May, by the twentieth Day of said Month, to render an Account to the Treasurer of this*

State of all Monies by them received in as aforesaid, specifying the Number of Writs and the Number of Appeals on which the same has been received, and the same after deducting six Pence on the Pound, which shall be allowed them for their Trouble and Expence, punctually pay over to said Treasurer. And that the Treasurer before the Expiration of said Month of May annually, shall make a Return to the General Assembly, of all said Accounts returned to him, and of the Names of such Officers who are made Receivers as aforesaid, as shall have neglected to return their Accounts to him as aforesaid.

And be it further enacted by the Authority aforesaid That no Writ, served after the first Day of July next, or Appeal from the Judgment of a single Minister of the Law taken after that Time, or other Appeal taken after the Rising of this Assembly, on which a Duty is laid as aforesaid, shall be valid or authentic in Law unless the Authority signing such Writ or certifying the Copies of such Appeal, shall certify thereon in writing, that said Duty thereon is paid. No Writ to be valid till the Duty is paid.

Always provided, That no Duty to be paid on any Writ as aforesaid shall be taxed in a Bill of Cost against a Defendant in any Suit in case he shall not appear, but suffer a Judgment upon Default on the first calling of the same. Provido.

And be it further enacted by the Authority aforesaid, That all Sums that shall or may be raised and collected as aforesaid, shall be and they are hereby pledged and appropriated for the sole Use of supporting the civil Government of this State. How appropriated.

## An Act in Addition to and Alteration of an Act intituled an Act for the direction of Liften in their Office and Duty.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled; and by the Authority of the same, That every Ox or Steer of four Years old and upwards, shall be set in the List at Three Pounds; every Steer of three Years old, and every Cow or Heifer of three Years old and upwards, at Two Pounds; every Heifer or Steer of two Years old, at one Pound; all Bulls more than one owned by one Person, shall be set in the List at the Rate of Steers or Oxen of the same Age. That all neat Cattle under two Years old, shall be exempted out of the List. That the Liften in the several Towns in this State, shall some time in the Month of September next, consider the Circumstances and Quality of each Dwelling-House in said Town respectively; and the Land adjoining thereto not exceeding one Quarter of an Acre, and shall set in the List of the Owner or Owners of such House or Houses and Lands, the one Half of the Sum or Sums said Liften shall judge said House or Houses and Lands would rent for annually. And that all Stores and Shops leased or rented out for Storage or Merchandize, or Grounds rented for Buildings erected by others thereon, the Owner or Owners thereof, shall be set in the List one Half the annual actual Rent thereof, or the Value thereof to be estimated by the Liften as aforesaid. And if any Person or Persons shall be aggrieved by the Determination of such Liften, he or they shall have liberty to appeal to the Authority and Select-men in the same Manner as is provided by Law in other Cases of this Nature; any Law, Usage or Custom to the Contrary notwithstanding. This Act so far as it respects the setting of Dwelling Houses in the List, to be and remain in force until the rising of this Assembly in May next, and no longer. At what Age and Rate Cattle shall be set in the List. Dwelling-Houses, &c. Stores and Shops. In what Manner Persons aggrieved may have Relief.

An Act in Addition to a Law of this State, entitled an Act for constituting and regulating Courts and appointing the Times and Places for holding the same.

County of Fairfield.

Courts time and place of sessions.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That for the future the Times and Places of holding the Superior and County Courts in the County of Fairfield, shall be as follows, viz. For the Superior Court at Fairfield, on the last Tuesday save two of August annually, and at Danbury on the last Tuesday save two of February annually. And for the County Court at said Fairfield, on the third Tuesday of April annually, and at said Danbury on the third, Tuesday of November annually. And that any adjourned or special Court may be holden at such Time and Place within either of said Towns in said County, as the respective Courts shall order and determine.

Proviso.

*Provided nevertheless,* That this Act nor any Thing herein contained, shall have any effect until a proper and suitable Court-House and Goal shall be erected and provided within said Town of Danbury, without any Expence to said County of Fairfield.

An Act in addition to a Law entitled an Act for stating, limiting and naming the Counties in this State.

Preamble.

*WHEREAS* in the late Revision of the Laws of this State, the Town of Windsor was omitted to be entered in the List of Towns for the County of Hartford, when it ought to have been inserted in said List next after the Town of Hartford.

Windsor annexed to Hartford county.

**B**E it enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That the Town of Windsor be included in and be Part of the County of Hartford.

An Act in addition and alteration of an Act, entitled an Act for constituting and regulating Courts, and appointing the Times and Places of holding the same.

Suits in equity in particular cases brought to the Superior Court.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled and by the Authority of the same, That all Suits for relief in Equity, against any Judgment given or Cause depending at Law in the Superior Court, shall be brought to the Superior Court, and not to any of the County Courts, any Law, Usage or Custom to the contrary notwithstanding.

An Act to encourage the destroying of Wolves.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That if any Inhabitant of this State, shall kill any full grown Wolf or Wolf's Whelps, within the

Limits of any Town in this State, he shall be entitled to a Premium of three Pounds for every such full grown Wolf, and thirty Shillings for every Wolf's Whelp he shall so kill as aforesaid, to be paid out of the public Treasury of this State, upon producing a Certificate thereof from any one Assistant or Justice of the Peace, which Certificate shall not be given until it shall be proved before such Assistant or Justice, either by the Oath of the Person requesting a Certificate, or other sufficient Evidence, that each Wolf or Whelp has been killed in Manner aforesaid, and that no other Certificate has been given thereof, nor until such Assistant or Justice shall have caused the Ears to be cut off from the Head of every such Wolf or Wolf's Whelp.

Premium for destroying wolves.

How obtained.

An Act in alteration of the Act entitled an Act to promote the making of Raw Silk within this State.

**B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That the Act entitled an Act to promote the Making of Raw Silk be, and the same is hereby Repealed and made Void.

Act repealed.

Provided nevertheless, That whatever may have been done since the passing said Act hereby repealed, in Pursuance thereof shall not be effected by this Act,

Proviso.

**Be it further enacted,** That whoever shall make any Raw Silk from Worms and Mulberry Trees, of his own raising within this State, by properly winding the same from Balls or Cocoons, after the first Day of July next, and for ten Years next thereafter, shall as a Bounty from the Treasury of this State, have and receive two Pence lawful Money for each Ounce of such Silk well dried, which such Person or Persons shall make as aforesaid, which Bounty shall be paid out of the Duties arising on the Importation of foreign Articles into this State.

Premium on silk.

**Be it further enacted,** That it shall be the Duty of any two Justices of the Peace, upon the Application of any Person or Persons claiming any Bounty by Virtue of this Act, carefully to examine such Claim, and upon Proof that the same is well founded, shall give a Certificate to such Person or Persons claiming as aforesaid, living within their County, specifying on what Account such Bounty becomes Due, and upon such Certificate being delivered to the Treasurer of this State, he shall pay the same. And the Treasurer shall keep an Account of all the Monies paid by Virtue of this Act.

Mode of obtaining premium.

**And be it further enacted,** That if any Person or Persons, shall willfully and knowingly procure more than one Certificate as aforesaid, for any one Bounty to which he might be entitled by Virtue of this Act, with a view to Defraud this State, he shall upon legal Conviction thereof, suffer the same Pains and Penalties as if he had been legally convicted of Forgery.

Forgery to procure more than one order.

An Act relative to Debts due to Persons who have been and remained within the Enemies Power or Lines during the late War.

WHEREAS divers Persons, proper Subjects of this or other of the United States, have in the late War between Great-Britain and America, from

*choice or otherwise, either removed to or continued under the British Government, and have been inaccessible by such of the Citizens of said States, who are indebted to them so as to pay or discharge said Debts, or the Interest thereof, therefore that no Injustice be done in this respect.*

Suits commenced by Persons who remained with the Enemy, &c.

To be determined in Equity.

Referrees may be appointed.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That in every Suit or Prosecution that shall or may be commenced by any Person or Persons that has gone to or remained with the Enemy, against any Person or Persons that has remained without the Power of the Enemy, it shall and may be Lawful for the Court in which such Suit shall be commenced or prosecuted, and said Court is hereby authorised on Motion of the Defendant or his Attorney, to try and determine said Cause or Matter in controversy according to the Rules of Equity, or appoint three Referrees at the option of the Court to try the Matters in controversy; and the Defendant shall and hereby is allowed to plead before such Court or Referrees, any special Matter relative either to Principal or Interest: And if it shall appear to said Court or Referrees, that the special Matter alledged and proved by the Defendant, is of such a Nature, that in Equity and good Conscience, abatement either from the Principal or Interest of any Sum or Sums due by such Defendant or Defendants ought to be made.

That on Report of the Referrees or finding of the Court, such Court is authorised and empowered as a Court of Chancery to make such order and decree thereon, as in Justice and Equity such Court shall find equitable, both in Relation to the Debt and Cost of Suit.

## An Act, for Incorporating a Part of the Town of *Hartford*.

Description of the Persons that are incorporated.

Bounds of the City.

Name of the Corporation.

Capable of suing, &c.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That all the Inhabitants being Freemen of this State and dwelling in said *Hartford* within the following Limits, viz. Beginning at a Place called the *Dutch Ground* upon the high Land on the Bank of the great River on the southerly Side of said River as it now runs in the Lot belonging to *Thomas Seymour, Esq;* and from thence a strait Line to the northwest Corner of *Joshua Hempstead's* Dwelling-House, thence a westerly Line to the northwest Corner of *James Steel's* Dwelling-House, from thence a northwesterly Course to the southwest Corner of *James Shepard's* Mill-House, from thence northerly a strait Line to the upper Mills, so called, including said Mills, thence northerly in a strait Line to the northwest Corner of Capt. *John Olcott's* Dwelling-House, including said House, and from thence turning and running due East a strait Course to the great River, &c. and the same hereby are ordained, constituted and declared to be from Time to Time and forever hereafter, one Body corporate and politic in Fact and in Name, by the Name of THE MAYOR, ALDERMEN, COMMON COUNCIL AND FREEMEN OF THE CITY OF HARTFORD, and that by that Name, they and their Successors forever shall and may have perpetual Succession, and be Persons in Law capable of suing and being sued, pleading and being impleaded in all Suits of what Nature soever; and also to purchase, hold and convey any Estate real or personal, and may have a common Seal, and may change and alter the same at Pleasure and shall be Freemen of said City.

*And be it further enacted* That the Mayor, Aldermen, Common Council and Freemen of said City, shall have a Jurisdiction in all commercial Matters *To have Jurisdiction on*  
*on Connecticut River opposite said Town of Hartford,* and that the Sheriffs of said City appointed and empowered as hereafter provided, shall have Power and Authority to execute all lawful Writs and Precepts on said *Connecticut River.*  
*River opposite said Town.*

*Provided nevertheless,* That no Power or Authority is hereby granted to regulate or effect the Fisheries or Ferry in and upon said River, or to prevent any Vessel, Boat, or other Water-Craft from passing or repassing said Part of *regulate the fisheries or ferry.*  
*Connecticut River, or from having commercial Interchange with Inhabitants residing without the aforesaid Limits of said City, free from any Duties and Toll to be imposed by said City.*

*And whereas there are many Persons living within said Limits who by Law are qualified to be Freemen of the State, that have not taken the Oath provided by Law to be taken by Freemen.*

*Be it enacted,* That all such Persons living within said Limits who shall before the fourth Monday of June next, procure the major Part of the Selectmen of the said Town of Hartford to certify that they are qualified to be admitted and made free of this State, and shall after procuring such Certificate, take before some Assistant of this State, or Justice of the Peace within and for the County of Hartford, the Oath provided by Law for Freemen, shall to all the Purposes in this Act mentioned, be considered as Freemen of this State, and Freemen of the said City of Hartford. *Persons living within the city, procuring a certificate, &c. to be freemen of the state and city.*

*And for the better Government of said City.*

*Be it further enacted,* That there shall be a Meeting of said City holden annually in the Month of March at such Time and Place as by the By-Laws of said City shall be directed for the Purpose of choosing all the annual Officers of said City, and the annual Officers of said City chosen at such Meeting shall continue in Office until the Expiration of the Month of March then next, unless others shall be sooner chosen and qualified in their stead. *Annual meeting to be in March for the purpose of choosing annual officers. Continuance in office.*

And the said City in legal Meeting assembled shall chuse a Mayor, who shall hold his Office during the Pleasure of the General Assembly: And at their annual Meeting, shall chuse four Aldermen and a Common Council of not more than Twenty, and two Sheriffs out of the Freemen of said City, all which Officers and all other Officers of said City eligible by the Freemen thereof, (the Inspectors of Produce excepted) shall be chosen by Ballot, and on each Ballot which is given in, shall be written the Name of the Person for whom the same is given, and such Ballot shall be rolled up, and in the Presence of the Mayor and Aldermen of said City, or such of them as are present at such Meeting, put by the Person giving the same into a Box which said City shall provide for that Purpose, which Box shall be a close Box with a Hole of a convenient Size in the Lid thereof, through which to put in the Ballot; and when the Freemen present at any City Meeting shall have had reasonable Time to give in their Ballot, either of the Sheriffs of said City, or in the Absence of both of the Sheriffs, the junior Aldermen present, in the Presence of the Mayor and Aldermen, or such of them as are present at such Meeting shall open the said Box, and the Mayor and Aldermen, or such of them as are present, shall open, sort and count the Ballots, and the Person who shall have a Majority of the Ballots given in, shall by the Sheriffs or in their Absence by the junior Alderman present; be declared to be elected, and no Ballot shall be received after the Box shall have been opened. *To chuse a mayor, &c. To chuse four Aldermen, &c. Mode of choosing to be by Ballot. The box by whom opened. The mayor and Aldermen to sort and count the votes. Who to declare the choice.*

The City to have Power to levy Taxes. To chuse a Collector. Warrant by whom signed. Collectors accountable and to whom Complaint being made, &c. Mayor, to issue his Warrant &c.

And said City in legal Meeting assembled shall have Power to levy Taxes on the Polls and Estate within the Limits of said City for such Purposes as the City shall think proper, agreeable to the Power and Privileges granted to the Freemen of said City by Virtue of this Act of Incorporation, and to chuse a Collector or Collectors to collect such Tax, who shall, having received a Warrant for that Purpose, signed by the Mayor or one of the Aldermen of said City, have the same Power as Collectors of Town Taxes by Law have, and shall be accountable to the Mayor and Aldermen of said City, in the same Manner as Collectors of Town Taxes by Law are accountable to the Select-men, and in case any Collector shall not perform the Trust committed to him, but shall fail of collecting such Rate according to the Terms of the Warrant committed to him, on Complaint thereof made by the Aldermen of said City to the Mayor thereof, he shall issue his Warrant under his Hand, directed to either of the Sheriffs of said City, to distrain the Sums, or Rates neglected by such Collector, to be collected or paid out of the Estate of the Collector.

Provido.

*Provided nevertheless,* That nothing in this Act shall extend or be construed to extend, to enable the Freemen of said City, at their legal Meeting to grant or levy any Taxes on the Polls or Estate contained in said City for the Purpose of paving the Street or Highways within said City, or of erecting Wharves upon said Connecticut River, without previous Application made therefor to the General Assembly of this State and special Authority from said Assembly obtained for such Purpose.

Power of the Sheriffs. Liable for neglect of Duty. City to answer in Case of Inability, &c. Sheriffs to give Bond, &c.

On failure a new one to be chosen.

To chuse a Treasurer.

*And be it further enacted by the Authority aforesaid,* That the Sheriffs of said City shall severally within the Limits of said City, have the same Powers and Authorities, and be liable to the same Suits and Penalties for neglect of Duty, in any Case whatsoever, to all Intents and Purposes as Sheriffs by Law now have and are; and the said City shall be liable to answer in case of the Inability of said Sheriffs or either of them for the Default of said Sheriffs in all Cases relative to their Office; and said Sheriff shall severally give Bond with Sureties in such Manner as by the Bye Laws of said City shall be directed, for a faithful Discharge of the Duties of that Office, before they shall be capable of executing the same, and in case either of the Persons chosen Sheriff shall not give Bond with Sureties according to the Bye-Laws of said City, the said City may proceed to chuse another Sheriff in his Room, and the said City in legal Meeting assembled shall chuse a Treasurer for said City, to continue in Office during the Pleasure of said City, which Treasurer shall have the same Power and Authorities as Town Treasurers by Law now have, and shall be accountable to said City.

A city Court to be held monthly. Power to adjourn. Jurisdiction. To have the same Powers &c. as County Courts and Executions served, &c. as those from the County Court. Appeals to be allowed.

*And be it further Enacted,* That there shall be holden on the second Tuesday of every Month in said City, a City Court, which Court shall have Power to adjourn from Time to Time, and shall have Cognizance of all civil Causes wherein the Title of Land is not concerned by Law cognizable by the County Courts in this State, provided the Cause of Action arise within the Limits of said City, and one or both of the Parties live within the Limits of said City; and said City Courts shall, as to the Causes by them cognizable, to all Intents and Purposes, have the same Powers and Authorities and proceed in the same Manner and grant Executions as said County Courts now or hereafter by Law shall have proceed and grant; and the Executions granted by said City Courts shall be served and returned in the same Manner as the Executions granted by the said County Court; And an Appeal shall be allowed to either

Party from the Judgment or Determination of said City Courts to the next Superior Court to be holden in the County of Hartford in all Causes in which an Appeal is now or hereafter by Law shall be allowed from the said County Courts, the prevailing Party however (if Plaintiff) may, such an Appeal notwithstanding, take out Execution on such Judgment for the Debt or Damages and costs recovered in such City Courts against the Defendant or Defendants, and levy the said Execution and collect the Money thereon, provided he does, previous to his taking out such Execution, become bound with two sufficient Sureties before the Mayor of said City, or one of the Judges of said City Court in a Recognizance (which Recognizance the Mayor of said City and the Judges of said City Court are respectively empowered to take) in double the Sum of said Judgment, that he will within one Week after final Judgment on the Appeal refund so much of the Judgment of said City Court as shall on such Execution be collected, and shall not be by him received before the Court to which the Appeal is taken, and the Interest thereof together with the Execution Fees that shall accrue and be paid by the Defendant or Defendants on said Execution, and no Appeal shall be allowed on any Suit commenced on such Recognizance.

The prevailing party if, &c. may take out execution &c.

Provided bond be given.

No appeal to be allowed on a suit on such bond.

And in every Action brought before said City Court, in which the Plaintiff lives without the Limits of said City or is a Mariner or Seaman, suing for Wages due to him for Services in his Occupation, and the Defendant lives within the Limits of said City; no Appeal shall be allowed the Defendant, unless the Matter in demand exceed the Sum of fifty Pounds Lawful Money, but if the Matter in demand exceed said Sum, an Appeal shall be allowed the Defendant in the same Manner, and under the same Regulations as Appeals are allowable in other causes cognizable by said City Court; and no Writ of Error brought for the Reversal of any Judgment of the said City Court, or of the said Mayor, or either of said Aldermen, shall be a Superfedeas, or have any Force to stay the issuing, levying or collecting of Execution.

If the plaintiff lives without the city, no appeal allowed the defendant within, unless, &c.

And said City Court shall have full Power to appoint and swear a Clerk for said Court; to continue in Office during the Pleasure of said Court, who shall, as to Matters relative to his Office as Clerk of said Court, have the same Powers and Authorities, to all Intents and Purposes, as the Clerks of the County Courts in this State by Law have, and the Oath to be taken by said Clerk shall be the same *Mutatis Mutandis*, as the Oath provided by Law to be taken by the Clerks of the County Courts in this State.

City Courts to appoint and swear a clerk. His powers.

And the Mayor of said City, or in his Absence, the senior Assistant Judge of said City Court, may at the special Instance and Cost of any Person moving therefor, hold a special City Court, at such Time and Place within said City as the Mayor or Judge ordering the same shall appoint; which Court shall proceed in the same Manner, have the same Powers and Authorities and in all Respects be under the same Regulations as the stated City Courts of said city, and all the taxable Fees of said City Court shall be the same as the taxable Fees of the County Courts of this State.

The mayor or in his absence the senior assistant judge may call a special court. Fees.

And be it further enacted, That the Mayor of said city for the Time being, and the two Aldermen first chosen at the annual Meeting of said City, or at their first Meeting, shall compose the said City Court and be the Judges thereof, and the Mayor shall be the Chief Judge of said Court, and the said two Aldermen shall be the Assistant Judges of said court, any two of whom in the Absence of the other, taking to their Assistance the senior Alderman

Mayor and two aldermen first chose to be judges. Who to be judges in case of absence &c.

present, that is not a Judge of said court, or if neither of the Aldermen that are not Judges of said court can attend, one of the Justices of the Peace within and for the County of Hartford residents within said city shall have Power to hold a city court.

If but one Judge present then to take, &c.

And if at any city court there shall be but one Judge present, he shall take to his Assistance two other Aldermen of said city, and in case one or both of them cannot attend, he shall take one or two of the Justices of the Peace, as the case may require, of the county of Hartford resident within the said city, and they shall have the same Power to hold a city court, as the Judges of said city court have.

Mayor and aldermen to have cognizance of civil causes in the city. Same power as justices.

And be it further enacted, That the Mayor and Aldermen of said city shall severally within the Limits of said city have cognizance of all civil causes, by Law cognizable by a Justice of the Peace, provided the cause of Action arise within the Limits of said city, and one or both of the Parties live within the same; and the said Mayor and Aldermen shall as to the causes by them severally cognizable have the same Powers and Authorities and proceed in the same Manner as Justices of the Peace now, or hereafter have and proceed.

Appeal allowed to the next city court.

And an Appeal shall be allowed from the Judgment or Determination of said Mayor and Aldermen, in any cause by them cognizable severally to the next city Court, to be holden within said city, in all causes in which an Appeal is now or hereafter shall be allowed from the Judgment of a Justice of the Peace, the prevailing Party however, if Plaintiff, may, such an Appeal notwithstanding, take out Execution on such Judgment, provided he give Bond before the Mayor of said city or one of the Judges of said court, in the same Manner as is provided in cases of Appeal from said city court.

Where the plaintiff lives without, or is a mariner, &c. no appeal.

And in every Action brought before the Mayor or either of the Aldermen of said city, in which the Plaintiff lives without the Limits of said city, or in which the Plaintiff is a Mariner or Seaman, suing for Wages due to him for Services in his Occupation, and the Defendant lives within the Limits of said city, no Appeal shall be allowed the Defendant.

Taxable fees, &c.

And the taxable Fees in all causes cognizable by the Mayor or by any of the Aldermen of said city severally, shall be the same as the taxable Fees in like cases before Justices of the Peace. And the Processess in all Actions brought to said city courts, shall be the same as the Processess to the county courts in this State; and the Processess in all Actions brought before the Mayor or one of the Aldermen of said city, shall be the same as the Processess in Actions brought before a Justice of the Peace, which Processess shall be signed by the Governor, Deputy Governor or one of the Assistants of this State, or by a Justice of the Peace with in or for the county of Hartford, or by the Mayor or one of the Aldermen of said city or the clerk of said city court, and shall be served by a Sheriff, Deputy Sheriff or constable to whom directed, according to the Laws of this State and the Provisions of this Act.

Processess the same as to the county court.

By whom signed,

and served.

By whom signed,

By whom signed,

And all Bonds for Prosecution taken by any of said Officers hereby impowered to sign Writs, shall be good and effectual in Law; and Bonds for Prosecution, special Bail and Bonds for Appeal, shall be taken to the adverse Party. *Notwithstanding* nevertheless, That no Writs (Executions excepted) or Processess signed by the Mayor or either of the Aldermen, shall be of any Effect without the Limits of said city.

And be it further enacted by the Authority aforesaid, That the said Mayor, Aldermen and common council, shall on the first Monday of June annually meet, and shall then choose seventy-two Freemen of said city or such greater Number not exceeding one hundred of said Freemen, as the said Mayor, Aldermen and common council shall Judge necessary to serve as Jurors at said city courts, and shall return the Names of said Jurors under the Hand of the Mayor of said city, if present, or in case of his Absence, under the Hand of the Senior Alderman present at such Meeting to the clerk of said city court, who shall write each Juror's Name thus chosen fairly on a separate Piece of Paper, and roll up and put the same into a Box, which he shall provide and keep for that Purpose. And whenever either of the Sheriffs of said city shall receive a Warrant from the clerk of said city court to summon a Jury to appear before said court, the Sheriff receiving such Warrant, taking with him one of the Aldermen of said city, shall repair to the said clerk's Office, and there in the Presence of said Alderman and clerk, shall take out of said Box such Number of said Papers as his Warrant shall direct, and the Persons whose Names shall be found written thereon, shall be summoned to appear before the court to which the Warrant is returnable to serve as Jurors, and in case of neglecting to attend, shall be liable to such Penalties as shall be by the Bye-Laws of said city be inflicted for such neglect, and in case a complete Pannel shall not attend, or in case any shall be challenged or excused, the Sheriff attending said court shall supply such Deficiency by drawing in the Presence of the court, others out of said Box, and summoning them to attend and serve until the Pannel shall be complete; and the Names of such Jurors as do not attend or are excused, shall be returned into the Box and be liable to be drawn again. And the Oath to be taken by said Jurors shall be the same as is by Law provided to be taken by Jurors in civil Actions; and the Name of each Juror who attends any city court and serves, shall be again written on a separate Piece of Paper and shall be rolled up and put into another Box, which the clerk of said court, shall provide for that Purpose, and shall be liable to be drawn again in case there shall not, by reason of Death, Removal or other cause, be a Sufficiency in the other Box to complete the Pannel for that Year in which they are chosen to serve. And the said city may chuse a clerk of said city, who shall make true and regular Entries of all the Votes and Proceedings of said city, and the records by him kept shall be of the same Validity in point of Evidence in any court of Law in this State, as the Records of Towns are.

Jurymen how and when chosen.

Names of the jurors to be returned to, &c.

Clerk to write the jurors names on, &c.

Jurors how drawn.

Jurors neglecting to attend.

If not a complete pannel others drawn.

Jurors not attending &c.

Jurors oath to be, &c.

The name of each juror attending, &c.

Liable to be drawn again.

And be it further enacted by the Authority aforesaid, That the said Mayor, Aldermen and Common council be, and they are hereby impowered to lay out new Highways, Streets and public Walks for the Use of said city, or to alter those already laid out in said city, and to exchange Highways for Highways, or to sell Highways for the Purpose of Purchasing other Highways, taking the same Measures in all Respects as are directed by the Laws of this State to be taken in case of Highways laid out by the Select-Men for the Use of their Towns, and the Party aggrieved by the laying out of such Streets or Highways, may have the same Remedy by Application to the county Courts as is by Law provided in cases of Highways laid out by Select-Men.

The Mayor, &c. to lay out highways &c. or alter those already laid out, &c.

And be it enacted by the Authority aforesaid, That in case any Sheriff, Deputy Sheriff or Constable shall not serve a Writ directed to and received by him that is returnable to said city Court, or shall neglect to make Return of said Writ, or shall make a false or undue Return thereof, and a Suit for such Default be brought against him to the said city Court by the Person, his

City Court may fine Sheriff, &c.

**Fines to be paid to the city treasurer,** Executors or Administrators in whose Favour the Writ issued, and the Defendant be found in Default, the said Court over and above awarding just Damages to the Plaintiff, shall on said Suit set a suitable Fine upon the Defendant according to the Nature of the case, and may issue Execution for such Fine, which Fine shall be to the Treasurer of said city, to and for the Use of said city.

**If the defendant lives in the city the writ to be served 6 days before court, and if without 12 days.** And in all cases in which the Defendant, who is sued to the said city Courts, lives within the Limits of said city, the Writ shall be served upon him at least six days before the sitting of the Court to which the Writ is returnable; but if the Defendant lives without the Limits of said city, the Writ shall be served at least twelve Days before the sitting of said Court; and all Writs returnable to said City Court, shall be returned to the Clerk of said Court on or before the Day of the sitting of said Court and before the First opening of said Court.

**Writs returnable before the mayor, &c.** And the Writs that are returnable before the Mayor or either of the Aldermen of said City, shall, if the Plaintiff and Defendant both live within the Limits of said City, or if the Plaintiff live without and the Defendant live within said Limits, or if the Plaintiff be a Mariner or Seaman suing for Wages due to him for Services in his Occupation, and the Defendant lives within the Limits of said City, be served upon the Defendant at least three Days before the sitting of the Court to which it is returnable; but if the Defendant live without the Limits of said City, the Writ shall be served upon the Defendant at least six Days before the sitting of the Court to which it is returnable.

**Mayor &c. to be sworn.** And be it further Enacted, That the Mayor, Aldermen, Sheriffs, Common Council and Clerk of said City, shall be sworn to the faithful Discharge of their Duty, and the Form of the Oath to be taken by the Mayor of said City, shall be as follows, viz.

**Form of the oath.** *YOU being elected Mayor of the City of Hartford, do swear by the Name of the ever living God, that you will, without any Partiality, indifferently administer justice according to Law, without respect of Persons, take no Bribes, give no Council in any Matter that shall come before you, nor deny Right to any, but will and truly perform your Office of Mayor of said City, according to your best Skill. So help you God.*

**Aldermen to be sworn.** And the Form of the Oath to be taken by the Aldermen of said City, shall be the same mutatis mutandis, as is prescribed by Law to be taken by Justices of the Peace.

And the Form of the Oath to be taken by the Common Council-Men of said City, shall be as follows, viz.

**Form of an oath.** *YOU being elected a Common Council-Man for the City of Hartford, do swear by the Name of the ever-living God, that you will faithfully and uprightly discharge the Duties of that Office so long as you shall hold the same. So help you God.*

**Sheriffs to take an oath.** And the Form of the Oath to be taken by the Sheriffs of said City, shall be the same prescribed by Law to be taken by the Sheriffs, mutatis mutandis.

And the Form of the Oath to be taken by the Clerks of said City, shall be as follows, viz.

**Clerk's oath.** *YOU being chosen Clerk of the City of Hartford, do swear by the Name of the ever-living God, that you will truly and faithfully attend and execute the*

Office of Clerk of said City, according to your best Skill, and make true Entries and Records of all the Votes and Proceedings of said City, and such other matters as by Law or by the Bye-Laws of said City, are to be recorded in your Office, and that you will deliver true Copies of the Records in your Hands, when they shall be required of you, taking your lawful Fees. So help you God.

Which Oaths may be administered by any Assistant of this State, or Justice of the Peace within and for the County of *Hartford*, or by the Mayor or either of the Aldermen of said City, provided the Mayor or Alderman administering such Oath hath been sworn according to this Act. By whom administered.

And the Person administering the Oath prescribed by this Act, shall give a Certificate thereof under his Hand to the Officer to whom he administered such Oath, which Certificate shall be recorded in the Records of said City, before the Person to whom it is given shall be capable of executing the Office to which he was chosen. Certificate, to be given and recorded.

*And be it further Enacted*, That there shall be a Court of Common Council of said City, of which the Mayor, Aldermen and Common Council of said City shall be Members, who, or a Majority of them, shall have Power to make **BYE-LAWS**, relative to the erecting and regulating Markets, and relative to Commerce within the Limits of said City; relative to Persons summoned to serve as Jurors at said City Courts and neglecting or refusing to serve; relative to the Streets and Highways of said City; relative to Nuisances within said City Limits; relative to their Landing Places, Wharves, Anchoring and Mooring of Vessels; relative to Trees planted for Shade, Ornament, Convenience or Use public or private, and to the Fruits of such Trees; relative to Trespasses committed in Gardens; relative to public Walks and Buildings; relative to the Sweeping of Chimneys and preserving said City from Fire; relative to the Forms of Oath to be taken by the Treasurer of said City, and Inspectors of Produce brought to said City for Sale or Exportation; relative to the Manner of warning Meetings of said City and the Court of Common Council, and the Time and Place at which they shall be holden; relative to the Qualifications in point of Property of the Mayor and Aldermen; relative to the Bonds to be given by the Sheriffs of said City for a faithful Discharge of their Duty; relative to the Penalties to be incurred by those who being chosen to any City Office, shall (not being excused by said City) refuse to serve; relative to a City Watch; relative to the Burial of the Dead; relative to the public Lights and Lamps of said City; relative to restraining Geese and Swine from going at large within the Limits of said City, and to inflict Penalties for the Breach of such Bye-Laws; provided however, that such Penalty shall in no Case exceed the Sum of Ten Pounds lawful Money; and said Penalties shall be to such Persons as the Bye-Laws of said City shall direct, and be recoverable by the Person to whom forfeited by Action of Debt brought to the City Courts of said City, in which Action no Appeal or Review shall be allowed; provided however, that no Bye-Laws of said City shall be made repugnant to the Laws of this State; and provided also, that all the Bye-Laws made by said Court of Common Council, shall be approved of by said City in legal Meeting assembled, and after being so approved, shall be published at least three Weeks successively in some public News-Paper in or nearest said City, before the same shall be of any Validity; and all the Bye-Laws of said City shall at any Time within six Months after they are made, be liable to be repealed by any Superior Court holden in said County of *Hartford*, if by such Superior Court on a Hearing adjudged to be unreasonable or unjust. Power to make Bye-Laws.  
  
To inflict pecuniary Penalties not exceeding 10*l*.  
  
Penalties to be to, &c. Recovered by, &c. No appeal. *proviso*.  
  
Bye Laws to be published.  
  
Liable to be repealed by, &c.

Grants and Leases signed by the Mayor, &c.

And all Grants and Leases of any real Estate belonging to said City, signed by the Mayor of said City, and sealed with the City Seal, and approved by said City in legal Meeting assembled, shall be good and effectual in Law to convey the Estate intended to be conveyed by such Grant or Lease, provided the same is recorded in the Records of the Town where the Lands leased or granted lie.

Inspectors of Produce.

And said City shall have Power to appoint Inspectors of every Kind of Produce of the United States brought to said City for Sale or Exportation.

Vote of the major Part of the Freemen valid.

And the Vote or Choice of the major Part of the Freemen present at a legal Meeting of said City, shall be considered in all Cases as the Vote or Choice of said City.

In case of Death, &c. of any Officer, &c.

And whenever the Mayor of said City or any other Officer of said City, eligible by the Freemen thereof shall resign, or be removed by Death or otherwise, another Person shall be chosen in his Place by said City, and (if an annual Officer) shall continue in Office until the Expiration of the Month of March next following, unless another shall be sooner chosen and sworn in his stead.

Mayor, or, &c. to be Moderator of the City Meeting, which may be adjourned First Meeting.

And the Mayor of said City or in his Absence, the senior Alderman present at any Meeting of said City, or at any Court of Common Council, shall Ex Officio be Moderator thereof, and the Meeting of said City may from Time to Time by a major Vote of the Freemen present be adjourned.

Annual Officers to continue, &c. until, &c.

First Meeting to choose a Clerk.

And be it further enacted by the Authority aforesaid, That the first Meeting of said City shall be holden at the State House in said Hartford, on the fourth Monday of June next at nine of the Clock in the Forenoon for the Choice of a Mayor, Aldermen, Common Council and Sheriffs of said City, and to transact such other Business as may be necessary, which Meeting may be from Time to Time adjourned, and a Copy of this Paragraph of this Act certified under the Hand of the Secretary of this State and published on the Sign-Post in said Town of Hartford at least three Days before said fourth Monday of June next, shall be a legal Warning of the Freemen of said City to attend said first Meeting, and the annual Officers chosen at said Meeting shall continue in Office until the Expiration of the Month of March then next, unless others are sooner chosen and qualified in their stead. And the said City shall at such Meeting, first chuse a Clerk of said City, who shall be immediately sworn, and shall forthwith make a Record of his being chosen and sworn, and the Record thus made by him in such case shall be good and effectual, any Thing in this Act to the contrary notwithstanding; and such Records may be made by Clerks hereafter chosen of their being chosen and sworn, and shall be good and effectual, any thing in this Act to the contrary notwithstanding; and said City shall thereupon proceed to chuse a Mayor and the other Officers of said City eligible by the Freemen thereof; and the Justices of the Peace within and for the County of Hartford, living and inhabiting within the Limits of said City and present at such first Meeting, shall have as to the Election of the Mayor, Aldermen, Sheriffs, Common Councilmen and Clerk of said City, the same Powers and proceed in the same Manner as the Mayor, Aldermen and Sheriffs of said City are by this Act to have and proceed at the future Elections of said City. And the senior Justice of the Peace within and for the County of Hartford living within the Limits of said City, present at said first Meeting, shall be Moderator thereof, until there shall be a Mayor or Alderman chosen and qualified according to this Act;

Then the Mayor, &c. Power of Justices, &c. living within the Limits, &c.

First Moderator.

and said City shall at their first Meeting appoint a Time and Place for holding the first Court of Common Council, which Court shall have Power to adjourn from Time to Time; and the first City Court of said City shall be holden on the last Tuesday of July next at the State-House in said City, and the City Court of said City may be holden in said State-House from Time to Time, or in such other Place in said City, as said City shall provide and judge proper.

And the Mayor, Aldermen and Common Council of said City shall on the second Tuesday of July next at three of the Clock in the Afternoon hold a Meeting at the State-House in said Hartford and shall then and there chuse thirty-six Freemen of said City to serve as Jurors until the first Monday of June then next, and the Name of each Person thus chosen shall be fairly written on a separate Piece of Paper and be put into the Jury-Box by this Act to be provided by the Clerk of said City Court, and shall be drawn out in the Manner herein before provided with respect to Jurors.

Mayor, &c.  
on the 2d  
Tuesday of  
July next to  
chuse thirty-  
six Jurors.

Always provided, That any Thing in this Act notwithstanding the Inhabitants living within the Limits of said City shall to all Intents and Purposes be and remain a Part of said Hartford.

Provide.

And whereas it is not equitable that any of the Inhabitants of that Part of the Town of Hartford not included within the Limits of said City, nor possessed of real Estate within said Limits should be subjected to any Burdens which may hereafter arise in Consequence of this Act of Incorporation.

Be it further enacted, That all Charges and Expences that shall accrue or may be incurred in Consequence of this Act of Incorporation, shall be borne and defrayed by Taxes on the Polls of the Inhabitants of said City and the rateable Estate contained within said Limits, except such and so much of the live Stock belonging to any of the Inhabitants of said City, as shall be raised and supported from their Lands lying out of the Limits of said City.

City Expenses  
how paid.

Provided nevertheless, That if this Act or any of the Provisions in this Act contained shall be found inconvenient, or in any Respect inadequate, the same may be altered or revoked on Representation of the city or otherwise by the General Assembly.

Provide.

Provided nevertheless, That the Judges of said city court may and they are hereby authorized to hear, try and finally determine all causes brought before the city court by a Jury of six Freemen, or without a Jury, where neither of the Parties desire to have a cause decided by a Jury, or by more than six Jurors.

And this Act shall to all Intents and Purposes be a public Act.

An Act for incorporating a Part of the Town of Middletown.

Be it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That all the Inhabitants being Freemen of this State and dwelling in said Middletown, within the following Limits, viz. Beginning at the Mouth of the little River, or Ferry River, thence in a northeast Line to the east Side of Connecticut River at High-water-mark, thence on the Bank of said Connecticut River, at Highwa-

Description of  
the Persons  
that are incor-  
porated.  
Bounds of the  
City.

ter-Mark, until it comes to a Point due east from *Sumner's* creek, thence in a west Line to the Mouth of *Sumner's* creek, thence southerly and westerly as the said creek runs to *Warwick's* Bridge, thence west to the little River including the Dwelling-House of *Return Jonathan Meigs*, thence northerly and easterly down the little River as the same runs to the first Boundary, including the Waters of the said little River, *Sumner's* creek and *Connecticut* River, within the preceding Limits, be and the same are hereby ordained, constituted and declared to be from Time to Time and forever hereafter one Body corporate and politic, in Fact and in Name, by the Name of THE MAYOR, ALDERMEN, COMMON COUNCIL AND FREEMEN OF THE CITY OF MIDDLETOWN, and that by that Name they, and their Successors forever shall and may have perpetual Succession, and shall be Persons in Law, capable of suing and being sued, pleading and being impleaded, in all Suits of what Nature soever, and also purchase, hold and convey any Estate real or personal, and may have a common Seal, and may change and alter the same at Pleasure, and shall be Freemen of said city.

Name of the Corporation

Capable of suing, &c.

*And whereas there are many Persons living within said Limits, who by Law are qualified to be Freemen of this State, that have not taken the Oath provided by Law to be taken by Freemen.*

Persons living within the City procuring a Certificate, &c. to be Freemen of the State and City.

*Be it Enacted*, That all Persons living within said Limits, who shall before the second Monday of *July* next procure the major Part of the Select-Men of the said Town of *Middletown*, to certify that they are qualified to be admitted and made free of this State, and shall after procuring such certificate, take before some Assistant of this State, or Justice of the Peace within and for the County of *Hartford*, the Oath provided by Law for Freemen, shall to all the Purposes in this Act mentioned be considered as Freemen of this State and Freemen of the said city of *Middletown*.

*And for the better Government of said City :*

Annual Meeting to be in January for the Purpose of choosing annual Officers Continuance in Office.

*Be it further Enacted*, That there shall be a Meeting of said city holden annually in *January*, at such Time and Place as by the Bye-Laws of said city shall be directed, for the Purpose of choosing all the annual Officers of said city, and the annual Officers of said city chosen at such Meeting, shall continue in Office until the Expiration of the Month of *January* then next, unless others shall be sooner chosen and qualified in their stead. And the said city in legal Meeting assembled, shall choose a Mayor, who shall hold his Office during the Pleasure of the General Assembly. And at their annual Meeting, shall choose four Aldermen, and a common council of not more than twenty, and two Sheriffs out of the Freemen of said city, all which Officers and all other Officers of said city eligible by the Freemen thereof (the Inspectors of Produce excepted) shall be chosen by Ballot, and on each Ballot which is given in shall be written the Name of the Person for whom the same is given; and such Ballot shall be rolled up, and in the Presence of the Mayor and Aldermen of said City, or such of them as are present at such Meeting, put by the Person giving the same into a Box, which said city shall provide for that Purpose, which Box shall be a close Box, with a Hole of a convenient size in the Lid thereof, through which to put in the Ballot, and when the Freemen present at any city Meeting shall have had a reasonable Time to give in their Ballot, either of the Sheriffs of said city or in the Absence of both the Sheriffs, the Junior Alderman present, in the Presence of the Mayor and Aldermen or such of them as are present at such Meeting shall open the said Box. And the Mayor and Aldermen or such of

To choose a Mayor &c.

To choose 4 Aldermen, &c.

Mode of choosing to be by Ballot. Box by whom opened Mayor and Aldermen to sort and count the Votes.

them as are present, shall open, sort and count the Ballots, and the Person who shall have a Majority of the Ballots given in, shall by the Sheriffs, or in their Absence by the Junior Alderman present, be declared to be elected, and no Ballots shall be received after the Box shall have been opened. And said City in legal Meeting assembled, shall have Power to levy Taxes on the Polls and Estate within the Limits of said City, for such Purposes as the said city shall think proper, and to choose a collector or collectors to collect such Tax, who shall, having received a Warrant for that Purpose, signed by the Mayor or one of the Aldermen of said city, have the same Power as collectors of Town Taxes by Law have, and shall be accountable to the Mayor and Aldermen of said city in the same Manner as the collectors of Town Taxes are by Law accountable to the Select-men; and in case any collector shall not perform the Trust committed to him, but shall fail of collecting such Rate according to the Terms of the Warrant committed to him, on complaint thereof made by the Aldermen of said city to the Mayor thereof, he shall issue his Warrant under his Hand, directed to either of the Sheriffs of said city, to distrain the Sums or Rates neglected by such collector, to be collected or paid out of the Estate of the collector.

Who to declare the Choice.

The City to have Power to levy Taxed To choose a Collector. Warrant by whom signed Collectors accountable & to whom.

Complaint being made, &c. Mayor to issue his Warrant &c.

And be it further enacted by the Authority aforesaid, That the Sheriffs of said City shall severally within the Limits of said city, have the same Powers and Authorities and be liable to the same Suits and Penalties for neglect of Duty, in any case whatever to all Intents and Purposes as Sheriffs by Law now have and are; and the said city shall be liable to answer in case of the inability of said Sheriffs or either of them for the Default of said Sheriffs in all cases relative to their Office. And said Sheriffs shall severally give Bond with Sureties in such Manner as by the Bye-Laws of said city shall be directed, for a faithful Discharge of the Duties of that Office, before they shall be capable of executing the same, and in case either of the Persons chosen Sheriffs shall not give Bond with Sureties according to the Bye-Laws of said city, the said city may proceed to choose another Sheriff in his room. And the said city in legal Meeting assembled, shall choose a Treasurer for said City, to continue in Office during the Pleasure of said city, which Treasurer shall have the same Powers and Authorities within said city, as Town Treasurers now by Law have and shall be accountable to said city.

Power of the Sheriffs, liable for neglect of Duty, City to answer in case of Inability, &c. Sheriffs to give Bonds, &c.

On failure a new one to be chosen.

To choose a Treasurer.

And be it further Enacted, That there shall be holden the second Tuesday of every Month in said city, a city court, which court shall have Power to adjourn from Time to Time, and shall have cognizance of all civil causes wherein the Title of Land is not concerned by Law cognizable by the county courts in this State, provided the cause of Action arise within the Limits of said city, and one or both of the Parties live within the Limits of said city, and said city courts shall as to the causes by them cognizable, to all Intents and Purposes have the same Powers and Authorities, and proceed in the same Manner and grant Executions as said county courts now or hereafter by Law shall have, proceed and grant, and the Executions granted by said city courts, shall be served and returned in the same Manner as the Executions granted by the said county courts; and an Appeal shall be allowed to either Party from the Judgment or Determination of said City Courts to the next Superior Court to be holden in the County of Hartford in all Causes in which an Appeal is now or hereafter by Law shall be allowed from the said County Courts, the prevailing Party however (if Plaintiff) may, such an Appeal notwithstanding, take out Execution on such Judgment for the Debt or Damages and costs recovered in such City Court against the Defendant or Defendants, and levy the said Execution and to sell the Money thereon, provided he does, previous to his taking out said Execution, become bound with two sufficient

City Court to be held monthly. Power to adjourn. Jurisdiction.

To have the same Powers &c. as County Courts and Executions served, &c. as those from the County Court. Appeal to be allowed.

The prevailing party if, &c. may take out execution &c.

Provided bond be given.

Sureties before the Mayor of said City, or one of the Judges of said City Court in a Recognizance (which Recognizance the Mayor of said City and the Judges of said City Court are respectively empowered to take) in double the Sum of said Judgment, that he will within one Week after final Judgment on the Appeal refund so much of the Judgment of said City Court together with the interest thereof as shall on such Execution be collected, and shall not be by him recovered before the Court to which the Appeal is taken, together with the Execution Fees that shall accrue and be paid by the Defendant or Defendant on said Execution, and no Appeal shall be allowed on any Suit commenced on such Recognizance.

No appeal to be allowed on a suit on such bond.

If the plaintiff lives without the city, no appeal allowed the defendant within, unless, &c.

And in every Action brought before said City Court, in which the Plaintiff lives without the Limits of said City or is a Mariner or Scaman, suing for Wages due to him for Services in his Occupation, and the Defendant lives within the Limits of said City, no Appeal shall be allowed the Defendant, unless the Matter in demand exceed the Sum of fifty Pounds Lawful Money; but if the Matter in demand exceed said Sum, an Appeal shall be allowed the Defendant in the same Manner, and under the same Regulations as Appeals are allowable in other causes cognizable by said City Court; and no Writ of Error brought upon any Judgment of said City Court, or of the said Mayor, or either of said Aldermen, shall be a Superfedeas, or have any Force to stay the Levy of the Execution.

City Courts to appoint and swear a clerk.

His powers.

And said City Court shall have full Power to appoint and swear a Clerk for said Court, to continue in Office during the Pleasure of said Court, who shall, as to Matters relative to his Office as Clerk of said Court, have the same Powers and Authorities, to all Intents and Purposes, as the Clerks of the County Courts in this State by Law have, and the Oath to be taken by said Clerk shall be the same *Mutatis Mutandis*, as the Oath provided by Law to be taken by the Clerks of the County Courts in this State.

The mayor or in his absence the senior assistant judge may call a special court. Fees.

And the Mayor of said City, or in his Absence, the senior Assistant Judge of said City Court, may at the special Instance and Cost of any Person moving therefor, hold a special City Court, at such Time and Place within said City as the Mayor or Judge ordering the same shall appoint; which Court shall proceed in the same Manner, have the same Powers and Authorities and in all Respects be under the same Regulations as the stated City Courts of said city, and all the taxable Fees of said City Court shall be the same as the taxable Fees of the County Courts of this State.

Mayor and two aldermen first chosen to be judges. When the judges in case of absence &c.

And be it further enacted, That the Mayor of said city for the Time being, and the two Aldermen first chosen at the annual Meeting of said City, or at their first Meeting, shall compose the said City Court and be the Judges thereof, and the Mayor shall be the Chief Judge of said City Court, and the said two Aldermen shall be the Assistant Judges of said court, any two of whom in the Absence of the other, taking to their Assistance the senior Alderman present, that is not a Judge of said court, or if neither of the Aldermen that are not Judges of said court can attend, one of the Justices of the Peace within and for the County of Hartford resident within said city shall have Power to hold a city court.

If but one judge present then to take, &c.

And if at any city court there shall be but one Judge present, he shall take to his Assistance two other Aldermen of said city, and in case one or both of them cannot attend, he shall take one or two of the Justices of the Peace,

as the case may require, of the county of Hartford resident within the said city, and they three shall have the same Power to hold a city court, as the Judges of said city court have.

And be it further enacted, That the Mayor and Aldermen of said city shall severally within the Limits of said city have cognizance of all civil causes, by Law cognizable by a Justice of the Peace, provided the cause of Action arise within the Limits of said city, and one or both of the Parties live within the same; and the said Mayor and Aldermen shall as to the causes by them severally cognizable have the same Powers and Authorities and proceed in the same Manner as Justices of the Peace now have, or hereafter may have and proceed.

Mayor and aldermen to have cognizance of civil causes in the city.

Same power as justices.

And an Appeal shall be allowed from the Judgment or Determination of said Mayor and Aldermen, in any cause by them cognizable severally to the next city Court, to be holden within said city, in all causes in which Appeal is now or hereafter shall be allowed from the Judgment of a Justice of the Peace, the prevailing Party however, if Plaintiff, may, such an Appeal notwithstanding, take out Execution on such Judgment, provided he give Bond before the Mayor of said city or one of the Judges of said court, in the same Manner as is provided in cases of Appeal from said city court.

Appeal allowed to the next city court.

And in every Action brought before the Mayor or either of the Aldermen of said city, in which the Plaintiff lives without the Limits of said city, or in which the Plaintiff is a Mariner or Seaman, suing for Wages due to him for Services in his Occupation, and the Defendant lives within the Limits of said city, no Appeal shall be allowed the Defendant.

Where the plaintiff lives without, or is a mariner, &c. no appeal.

And the taxable Fees in all causes cognizable by the Mayor or by one of the Aldermen of said city severally, shall be the same as the taxable Fees in like cases before Justices of the Peace. And the Processes in all Actions brought to said city court, shall be the same as the Processes to the county courts in this State; and the Processes in all Actions brought before the Mayor or one of the Aldermen of said city, shall be the same as the Processes in Actions brought before a Justice of the Peace, which Processes shall be signed by the Governor, Lieutenant Governor or one of the Assistants of this State, or by a Justice of the Peace within and for the county of Hartford, or by the Mayor or one of the Aldermen of said city or the clerk of said city court, and shall be served by a Sheriff, Deputy Sheriff, or constable to whom directed, according to the Laws of this State and the Provisions of this Act.

Taxable fees, &c.

Processes the same as to the county court.

By whom signed, and served.

And all Bonds for Prosecution taken by any of said Officers hereby impowered to sign Writs, shall be good and effectual in Law; and Bonds for Prosecution, special Bail and Bonds for Appeal, shall be taken to the adverse Party. *Provided nevertheless*, That no Writs (Executions excepted) or Processes signed by the Mayor or either of the Aldermen, shall be of any Effect without the Limits of said city.

Bonds for prosecution, &c.

Except, &c.

And be it further enacted by the Authority aforesaid, That the said Mayor, Aldermen and common council, shall on the first Monday of February annually meet, and shall then choose thirty-six Freemen of said city or such greater Number, not exceeding seventy-two, of said Freemen, as the said Mayor, Aldermen and common council shall then judge necessary to serve as Jurors at said city court, and shall return the Names of said Jurors under the Hand of the Mayor of said city, if present, or in case of his Absence, under the Hand of the Senior Alderman Present at such Meeting to the clerk of said city court, who shall write each Ju-

Jurymen how and when chosen.

Names of the jurors to be returned to, &c.

Clerk to write the jurors names on, &c.

Jurors how drawn.

Jurors neglecting to attend. If not a complete pannel others drawn, &c.

Jurors not attending &c.

Jurors oath to be, &c. The name of each Juror attending, &c. Liable to be drawn again.

The City to choose a Clerk.

ror's Name thus chosen fairly on a separate Piece of Paper, and roll up and put the same into a Box, which he shall provide and keep for that Purpose. And whenever either of the Sheriffs of said city shall receive a Warrant from the clerk of said city court to summon a Jury to appear before said court, the Sheriff receiving such Warrant, taking with him one of the Aldermen of said city, shall repair to the said clerk's Office, and there in the Presence of said Alderman and clerk, shall take out of said Box such Numbers of said Papers as his Warrant shall direct, and the Persons whose Names shall be found written thereon, shall be summoned to appear before the court to which the Warrant is returnable to serve as Jurors, and in case of neglecting to attend, shall be liable to such Penalties as shall by the Bye-Laws of said city be inflicted for such neglect, and in case a complete Pannel shall not attend, or in case any shall be challenged or excused, the Sheriff attending said court shall supply such Deficiency by drawing in the Presence of the court, others out of said Box, and summoning them to attend and serve until the Pannel shall be complete; and the Names of such Jurors as do not attend or are excused, shall be returned into the Box and be liable to be drawn again. And the Oath to be taken by said Jurors shall be the same as is by Law provided to be taken by Jurors in civil Actions; and the Name of each Juror who attends any city court and serves, shall be again written on a separate Piece of Paper and shall be rolled up and put into another Box, which the clerk of said court, shall provide for that Purpose, and shall be liable to be drawn again in case there shall not, by reason of Death, Removal or other cause, be a Sufficiency in the other Box to complete the Pannels for that Year in which they are chosen to serve. And the said city may chuse a clerk of said city, who shall make true and regular Entries of all the Votes and Proceedings of said city, and the records by him kept shall be of the same Validity in point of Evidence in any court of Law in this State, as the Records of Towns are.

The Mayor, &c. to lay out highways &c. or alter those already laid out, &c.

*And be it further enacted by the Authority aforesaid,* That the said Mayor, Aldermen and Common council be, and they are hereby empowered to lay out new Highways, Streets and public Walks for the Use of said city, or to alter those already laid out in said city, and to exchange Highways for Highways, or to sell Highways for the Purpose of Purchasing other Highways, taking the same Measures in all Respects as are directed by the Laws of this State to be taken in case of Highways laid out by the Select-Men for the Use of their Towns, and the Party aggrieved by the laying out of such Streets or Highways, may have the same Remedy by Applications to the county Courts as is by Law provided in cases of Highways laid out by Select-Men.

City Court may fine Sheriffs, &c.

Fines to be paid to the city treasurer.

*And be it enacted by the Authority aforesaid,* That in case any Sheriff, Deputy Sheriff or Constable shall not serve a Writ directed to and received by him that is returnable to said city Court, or shall neglect to make Return of said Writ, or shall make a false or undue Return thereof, and a Suit shall, for such Default be brought against him to the said city Court by the Person, his Executors or Administrators in whose Favour the Writ issued, and the Defendant be found in Default, the said Court over and above awarding just Damages to the Plaintiff, may on said Suit set a suitable Fine upon the Defendant according to the Nature of the case, and may issue Execution for such Fine, which Fine shall be to the Treasurer of said city, to and for the Use of said city.

If the defendant lives in the city the writ to be served 6 days

*And in all cases in which the Defendant, who is sued to the said city Courts, lives within the Limits of said city, the Writ shall be served upon him at least six days before the sitting of the Court to which the Writ is returnable; but if the Defendant lives without the Limits of said city, the Writ shall be served*

at least twelve Days before the sitting of said Court ; and all Writs returnable before said City Court, shall be returned to the Clerk of said Court on or before the Day of the sitting of said Court and before the First opening of said Court.

before Court, and if without is days.

And the Writs returnable before the Mayor or either of the Aldermen of said City, shall, if the Plaintiff and Defendant both live within the Limits of said City, or if the Plaintiff live without and the Defendant live within said Limits, or if the Plaintiff be a Mariner or Seaman suing for Wages due to him for Services in his Occupation, and the Defendant lives within the Limits of said City, be served upon the Defendant at least three Days before the sitting of the Court to which it is returnable ; but if the Defendant live without the Limits of said City, the Writ shall be served upon the Defendant at least six Days before the sitting of the Court to which it is returnable,

Writs returnable before the Mayor, &c.

And be it further Enacted, That the Mayor, Aldermen, Sheriffs, Common Council and Clerk of said City, shall be sworn to the faithful Discharge of their Duty, and the Form of the Oath to be taken by the Mayor of said City, shall be as follows, viz.

*YOU being elected Mayor of the City of Middletown, do swear by the Name of the ever living God, that you will, without any Partiality, indifferently administer justice according to Law, without respect of Persons, take no Bribes, give no Counsel in any Matter that shall come before you, nor deny Right to any, but well and truly perform your Office of Mayor of said City, according to your best Skill. So help you God.*

Form of the oath,

And the Form of the Oath to be taken by the Aldermen of said City, shall be the same mutatis mutandis, as is prescribed by Law to be taken by Justices of the Peace.

Aldermen to be sworn.

And the Form of the Oath to be taken by the Common Council-Men of said City, shall be as follows, viz.

*YOU being elected a Common Council-Man for the City of Middletown, do swear by the Name of the ever-living God, that you will faithfully and uprightly discharge the Duties of that Office so long as you shall hold the same. So help you God.*

Form of an oath.

And the Form of the Oath to be taken by the Sheriffs of said City, shall be the same prescribed by Law to be taken by the Sheriffs, mutatis mutandis,

Sheriffs to take an oath.

And the Form of the Oath to be taken by the Clerks of said City, shall be as follows, viz.

*YOU being chosen Clerk of the City of Middletown, do swear by the Name of the ever-living God, that you will truly and faithfully attend and execute the Office of Clerk of said City, according to your best Skill, and make true Entries and Records of all the Votes and Proceedings of said City, and such other Matters as by Law or by the By-Laws of said City, are to be recorded in your Office, and that you will deliver true Copies of the Records in your Hands, when they shall be required of you, taking only your lawful Fees. So help you God.*

People's oath.

Which Oaths may be administered by any Assistant of this State, or Justice of the Peace within and for the County of Hartford, or by the Mayor or either of the Aldermen of said City, provided the Mayor or Alderman administering such Oath hath been sworn according to this Act.

By whom administered.

Certificates to be given and recorded.

And the Person administering the Oath prescribed by this Act, shall give a Certificate thereof under his Hand to the Officer to whom he administered such Oath, which Certificate shall be recorded in the Records of said City, before the Person to whom it is given shall be capable of executing the Office to which he was chosen.

Power to make Bye-Laws.

*And be it further Enacted*, That there shall be a Court of Common Council of said City, of which the Mayor, Aldermen and Common Council of said City shall be the Members, who, or a Majority of them, shall have Power to make BYE-LAWS, relative to the erecting and regulating Markets, and relative to Commerce within the Limits of said City; relative to Persons summoned to serve as Jurors at said City Courts and neglecting or refusing to serve; relative to the Streets and Highways of said City; relative to Nuisances within said City Limits; relative to their Landing Places, Wharves, Anchoring and Mooring of Vessels; relative to Trees planted for Shade, Ornament, Convenience or Use public or private, and to the Fruits of such Trees; relative to Trespasses committed in Gardens; relative to Walks and Buildings public or private; relative to the Sweeping of Chimneys and preserving said City from Fire; relative to the Forms of Oaths to be taken by the Treasurer of said City, and Inspectors of Produce brought to said City for Sale or Exportation; relative to the Manner of warning Meetings of said City and the Court of Common Council, and the Time and Place at which they shall be holden; relative to the Qualifications in point of Property of the Mayor and Aldermen; relative to the Bonds to be given by the Sheriffs of said City for a faithful Discharge of their Duty; relative to the Penalties to be incurred by those who being chosen to any City Office, shall (not being excused by said City) refuse to serve; relative to a City Watch; relative to the Burial of the Dead; relative to the public Lights and Lamps of said City; relative to restraining Geese and Swine from going at large within the Limits of said City, and to inflict Penalties for the Breach of such Bye-Laws; provided however, that such Penalty shall in no Case exceed the Sum of Ten Pounds lawful Money; and said Penalties shall be to such Persons as the Bye-Laws of said City shall direct, and be recoverable by the Persons to whom forfeited by Action of Debt brought to the City Courts of said City, in which Action no Appeal or Review shall be allowed; provided however, that no Bye-Laws of said City shall be made repugnant to the Laws of this State; and provided also, that all the Bye-Laws made by said Court of Common Council, shall be approved of by said City in legal Meeting assembled, and after being so approved, shall be published at least three Weeks successively in some public News-Paper in or nearest said City, before the same shall be of any Validity; and all the Bye-Laws of said City shall at any Time within six Months after they are made, be liable to be repealed by any Superior Court holden in said County of *Hartford*, if by such Superior Court on a Hearing adjudged to be unreasonable or unjust.

To inflict pecuniary Penalties not exceeding 10l. Penalties to be to, &c. Recovered by, &c. No appeal.

Proviso.

Bye-Laws to be published.

Liab. to be repealed.

Grants and Leases signed by the Mayor, &c.

And all Grants and Leases of any real Estate belonging to said City, signed by the Mayor of said City, and sealed with the City Seal, and approved by said City in legal Meeting assembled, shall be good and effectual in Law to convey the Estate intended to be conveyed by such Grant or Lease, provided the same is recorded in the Records of the Town where the Lands leased or granted lie.

Inspectors of Produce.

And said City shall have Power to appoint Inspectors of every Kind of Produce of the United States brought to said City for Sale or Exportation.

And the Vote or Choice of the major Part of the Freemen present at a legal Meeting of said City, shall be considered in all Cases as the Vote or Choice of said City.

Vote of the major Part of the Freemen valid.

And whenever the Mayor of said City or any other Officer of said City, eligible by the Freemen thereof shall resign, or be removed by Death or otherwise, another Person shall be chosen in his Place by said City, and (if an annual Officer) shall continue in Office until the Expiration of the Month of January next following, unless another shall be sooner chosen and sworn in his stead.

In case of Death, &c. of any Officer, &c.

And the Mayor of said City or in his Absence, the senior Alderman present at any Meeting of said City, or at any Court of Common Council, shall Ex Officio be Moderator thereof, and the Meeting of said City may from Time to Time by a major Vote of the Freemen present be adjourned.

Mayor, or, &c. to be Moderator of the City Meeting, which may be adjourned First Meeting.

And be it further enacted by the Authority aforesaid, That the first Meeting of said City shall be holden at the Town-House in said Middletown, on the second Tuesday of July next at nine of the Clock in the Forenoon for the Choice of a Mayor, Aldermen, Common Council and Sheriffs of said City, and to transact such other Business as may be necessary, which Meeting may be from Time to Time adjourned, and a Copy of this Paragraph of this Act certified under the Hand of the Secretary of this State and published on the Sign-Post in said Town of Middletown, at least three Days before said second Tuesday of said July, shall be a legal Warning of the Freemen of said City to attend said first Meeting, and the annual Officers chosen at said Meeting shall continue in Office until the Expiration of next January, unless others are sooner chosen and qualified in their stead. And the said City shall at such Meeting, first chuse a Clerk of said City, who shall be immediately sworn, and shall forthwith make a Record of his being chosen and sworn, and the Record thus made by him in such case shall be good and effectual; any Thing in this Act to the contrary notwithstanding; and such Record may be made by Clerks hereafter chosen of their being chosen and sworn, and shall be good and effectual, any thing in this Act to the contrary notwithstanding; and said City shall thereupon proceed to chuse a Mayor and the other Officers of said City eligible by the Freemen thereof; and the Justices of the Peace within and for the County of Hartford, living and inhabiting within the Limits of said City and present at such first Meeting, shall have as to the Election of the Mayor, Aldermen, Sheriffs, Common Councilmen and Clerk of said City, the same Powers and proceed in the same Manner as the Mayor, Aldermen and Sheriffs of said City by this Act are to have and proceed in at the future Elections of said City. And the senior Justice of the Peace within and for the County of Hartford living within the Limits of said City, present at said first Meeting, shall be Moderator thereof, until there shall be a Mayor or Alderman chosen and qualified according to this Act; and said City shall at their first Meeting appoint a Time and Place for holding the first Court of Common Council, which Court shall have Power to adjourn from Time to Time; and the first City Court of said City shall be holden on the first Tuesday of August next at the Town-House in said City, and the City Courts of said City may be holden in said Town-House from Time to Time, or in such other Place in said City, as said City shall provide and judge proper.

Annual Officers to continue, &c. until, &c.

First Meeting to chuse a Clerk.

Then the Mayor, &c.

First Moderators.

First City Court when holden.

And the Mayor, Aldermen and Common Council of said City shall on the third Tuesday of July next at three of the Clock in the Afternoon hold a Meeting at the Town-House in said Middletown, and shall then and there chuse

Mayor, &c. on the 3d Tuesday of July to chuse thirty-six Jurors. thirty-six Freemen of said City to serve as Jurors until after the first Monday of February next, and the Name of each Person thus chosen shall be fairly written on a separate Piece of Paper and be put into the Jury-Box by this Act to be provided by the Clerk of said City Court, and shall be drawn out in the Manner herein before provided with respect to Jurors.

**Proviso.** *Always provided,* That any Thing in this Act notwithstanding the Inhabitants living within the Limits of said City shall to all Intents and Purposes be and remain a Part of the said Town of *Middletown*.

**Proviso.** *Provided nevertheless,* That if this Act or any of the Provisions therein contained shall be found inconvenient, or in any Respect inadequate, the same on Representation of the City or otherwise may be altered or revoked by the General Assembly.

**Proviso.** *Provided nevertheless, and it is hereby enacted,* That the Judges of said City Court may and they are hereby authorized to hear, try and finally determine all causes brought before the City Court by a Jury of six Freemen, or without a Jury, where neither of the Parties desire to have a cause decided by a Jury, or by more than six Jurors.

**Public Act.** And this Act shall to all Intents and Purposes be a public Act.

### An Act for incorporating a Part of the Town of *Norwich*:

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That all Freemen of this State Inhabitants of said *Norwich*, dwelling and inhabiting within the following Bounds, viz. Beginning at the Mouth of Trading Cove Brook at the Bound between the Towns of *New-London* and *Norwich*, thence running up said Brook to the Bridge on *New-London* Road, called Trading Cove Bridge, thence a Strait Line to the West-Side of the Mills at the Iron-Works belonging to *Elijah Backus*, Esq. thence an Eastwardly Line to the North-Side of the Dwelling House of Captain *John Hughes*, thence a Strait Line to *Reath's* Landing (is called) on the South-Side of *Sketucket* River, thence by *Sketucket* River and the River *Thames*, at High-Water-Mark, to the Mouth of *Pouquatanock* Cove, thence North-Westwardly across said River to the Line between the Towns of *Norwich* and *New-London*, thence by said *New-London* Line to the first mentioned Bounds, be and the same are hereby ordained, constituted and declared to be from Time to Time and forever hereafter one Body corporate and politic, in Fact and in Name, by the Name of THE MAYOR, ALDERMEN, COMMON COUNCIL AND FREEMEN OF THE CITY OF NORWICH, and that by that Name they, and their Successors forever shall and may have perpetual Succession, and shall be Persons in Law, capable of suing and being sued, pleading and being impleaded, in all Suits of what Nature soever, and also to purchase, hold and convey any Estate real or personal, and may have a common Seal, and may change and alter the same at Pleasure, and shall be Freemen of said City.

*And whereas there are many Persons living within said Limits, who by Law are qualified to be Freemen of this State, that have not taken the Oath provided by Law to be taken by Freemen.*

*Be it Enacted,* That all such Persons living within said Limits, who shall before the second Monday of July next procure the major Part of the Select-Men of

said Town of *Norwich*, to certify that they are qualified to be admitted and made free of this State, and shall after procuring such certificate, take before some Assistant of this State, or Justice of the Peace within and for the county of *New-London* the Oath provided by Law for Freemen, shall to all the Purposes in this Act mentioned be considered as Freemen of this State and Freemen of the said city of *Norwich*.

Persons living within the City, procuring a Certificate, &c. to be Freemen of the State and City

*And for the better Government of said City:*

Be it further *Enacted*, That there shall be a Meeting of said city holden annually in *July*, at such Time and Place as by the Bye-Laws of said city shall be directed, for the Purpose of choosing all the annual Officers of said city, and the annual Officers of said city chosen at such Meeting, shall continue in Office until the Expiration of the Month of *July* then next, unless others shall be sooner chosen and qualified in their stead. And the said city in legal Meeting assembled, shall choose a Mayor, who shall hold his Office during the Pleasure of the General Assembly. And at their annual Meeting shall choose four Aldermen, and a common council of not more than twenty, and two Sheriffs out of the Freemen of said city, all which Officers and all other Officers of said city eligible by the Freemen thereof (the Inspectors of Produce excepted) shall be chosen by Ballot, and on each Ballot which is given in shall be written the Name of the Person for whom the same is given, and such Ballot shall be rolled up, and in the Presence of the Mayor and Aldermen of said City, or such of them as are present at such Meeting, put by the Person giving the same into a Box, which said city shall provide for that Purpose, which Box shall be a close Box, with a Hole of a convenient size in the Lid thereof, through which to put in the Ballot, and when the Freemen present at any city Meeting shall have had a reasonable Time to give in their Ballots, either of the Sheriffs of said city or in the Absence of both the Sheriffs, the Junior Alderman present, in the Presence of the Mayor and Aldermen or such of them as are present at such Meeting shall open the said Box. And the Mayor and Aldermen or such of them as are present, shall open, sort and count the Ballots, and the Person who shall have a Majority of the Ballots given in, shall by the Sheriffs, or in their Absence by the Junior Alderman present, be declared to be elected, and no Ballots shall be received after the Box shall have been opened. And said City in legal Meeting assembled, shall have Power to levy Taxes on the Polls and rateable Estate within the Limits of said City, for such Purposes as the said city shall think proper, and to choose a collector or collectors to collect such Tax, who shall, having received a Warrant for that Purpose, signed by the Mayor or by one of the Aldermen of said city, have the same Power as collectors of Town Taxes by Law have, and shall be accountable to the Mayor and Aldermen of said city in the same Manner as collectors of Town Taxes are by Law accountable to the Select-men; and in case any collector shall not perform the Trust committed to him, but shall fail of collecting such Rate according to the Terms of the Warrant committed to him, on complaint thereof made by the Aldermen of said city to the Mayor thereof, he shall issue his Warrant under his Hand, directed to either of the Sheriffs of said city, to distrain the Sums or Rates neglected by such collector, to be collected or paid out of the Estate of the collector.

Annual Meeting to be in July for the Purpose of choosing annual Officers. Continuance in Office.

To choose Mayor &c. To choose 4 Aldermen, &c.

Mode of choosing to be by Ballot.

Box by whom opened. Mayor and Aldermen to sort and count the Votes. Who to declare the Choice.

The City to have Power to levy Taxes To choose a Collector. Warrant by whom signed Collectors accountable & to whom Complaint being made, &c. Mayor to issue his Warrant &c.

And be it further *enacted by the Authority aforesaid*, That the Sheriffs of said City shall severally within the Limits of said city, have the same Powers and Authorities and be liable to the same Suits and Penalties for neglect of Duty, in any case whatever to all Intents and Purposes as Sheriffs by Law now have

Power of the Sheriffs, liable for neglect of Duty, City

to answer in case of Inability, &c. Sheriffs to give Bond, &c.

On failure a new one to be chosen.

To choose a Treasurer.

City Court to be held monthly. Power to adjourn. Jurisdiction.

To have the same Powers &c. as County Courts and Executions served, &c. as those from the County Court. Appeal to be allowed.

The prevailing party if, &c. may take out execution &c.

Provided bond be given.

No appeal to be allowed on a suit on such bond.

If the plaintiff lives without the city, no appeal allowed the defendant within, unless, &c.

and are; and the said city shall be liable to answer in case of the inability of said Sheriffs or either of them for the Default of said Sheriffs in all cases relative to their Office. And said Sheriffs shall severally give Bond with Sureties in such Manner as by the Bye-Laws of said city shall be directed, for a faithful Discharge of the Duties of that Office, before they shall be capable of executing the same, and in case either of the Persons chosen Sheriffs shall not give Bond with Sureties according to the Bye-Laws of said city, the said city may proceed to choose another Sheriff in his room. And the said city in legal Meeting assembled, shall choose a Treasurer for said City, to continue in Office during the Pleasure of said city, who shall have the same Powers and Authorities within said city, as Town Treasurers now by Law have and shall be accountable to said city.

*And be it further Enacted,* That there shall be holden monthly on the second Tuesday of every Month in said city, a city court, which court shall have Power to adjourn from Time to Time, and shall have cognizance of all civil causes where the Title of Land is not concerned by Law cognizable by the county courts in this State, provided the cause of Action arise within the Limits of said city, and one or both of the Parties live within said city, and the said city courts shall as to the causes by them cognizable, to all Intents and Purposes have the same Powers and Authorities, and proceed in the same Manner and grant Executions as said county courts now or hereafter by Law shall have, proceed and grant, and the Executions granted by said city courts, shall be served and returned in the same Manner as the Executions granted by the said county courts; and an Appeal shall be allowed to either Party from the Judgment or Determination of said City Court, to the next Superior Court to be holden in the County of *New-London* in all Causes in which an Appeal is now or hereafter by Law shall be allowed from the said County Courts, the prevailing Party however (if Plaintiff) may, such an Appeal notwithstanding, take out Execution on such Judgment for the Debt or Damages and costs recovered in such City Court against the Defendant or Defendants, and levy the said Execution and collect the Money thereon, provided he does, previous to his taking out said Execution, become bound with two sufficient Sureties before the Mayor of said City, or one of the Judges of said City Court in a Recognizance (which Recognizance the Mayor of said City Court and the Judges of said City Court are respectively empowered to take) in double the Sum of said Judgment, that he will within one Week after final Judgment on the Appeal refund so much of the Judgment of said City Court together with the interest thereof, as shall on such Execution be collected, and shall not be by him recovered before the Court to which the Appeal is taken, together with the Execution Fees that shall accrue and be paid by the Defendant on said Execution, and no Appeal shall be allowed on any Suit commenced on such Recognizance.

And in every Action brought before said City Court, in which the Plaintiff lives without the Limits of said City, or is a Mariner or Seaman, suing for Wages due to him for Services in his Occupation, and the Defendant lives within the Limits of said City, no Appeal shall be allowed the Defendant, unless the Matter in demand exceed the Sum of fifty Pounds Lawful Money, but if the Matter in demand exceed said Sum, an Appeal shall be allowed the Defendant in the same Manner, and under the same Regulations as Appeals are allowable in other causes cognizable by said City Court; and no Writ of Error brought upon any Judgment of said City Court, or of the said Mayor, or either of said Aldermen, shall be a Superioredes, or have any Force to stay the Levy of the Execution.

And said City Court shall have full Power to appoint and swear a Clerk for said Court, to continue in Office during the Pleasure of said Court, which clerk shall, as to all Matters relative to his Office as Clerk of said Court, have the same Powers and Authorities, to all Intents and Purposes, as the Clerks of the County Courts in this State by Law have, and the Oath to be taken by said Clerk shall be the same *Mutatis Mutandis*, as the Oath provided by Law to be taken by the Clerks of the County Courts in this State.

City Courts to appoint and swear a clerk.  
His powers.

And the Mayor of said City, or in his Absence, the senior Assistant Judge of said City Court, may at the special Instance and Cost of any Person moving therefor, hold a special City Court, at such Time and Place within said City as the Mayor or Judge ordering the same shall appoint; which Court shall proceed in the same Manner, have the same Powers and Authorities and in all Respects be under the same Regulations as the stated Courts of said city, and all the taxable Fees of said City Court shall be the same as the taxable Fees of the County Courts of this State.

The mayor or in his absence the senior assistant judge may call a special court.  
Fem.

And be it further enacted, That the Mayor of said city for the Time being, and the two Aldermen first chosen at the annual Meeting of said City, or at their first Meeting, shall compose the said City Court and be the Judges thereof, and the Mayor shall be the Chief Judge of said Court, and the said two Aldermen shall be the Assistant Judges of said court, any two of whom in the Absence of the other, taking to their Assistance the senior Alderman present, that is not a Judge of said court, or if neither of the Aldermen that are not Judges of said court can attend, one of the Justices of the Peace within and for the County of *New-London* resident within said city shall have Power to hold a city court.

Mayor and two aldermen first chosen to be the judges, who to be judges in case of absence  
Sec. 2. 1822

And if at any city court there shall be but one Judge present, he shall take to his Assistance the two other Aldermen of said city, and in case one or both of them cannot attend, he shall take one or two of the Justices of the Peace, as the case may require, of the county of *New-London* resident within the said city, and they three shall have the same Power to hold a city court, as the Judges of said city court have.

If but one judge present then to take, &c.

And be it further enacted, That the Mayor and Aldermen of said city shall severally within the Limits of said city have cognizance of all civil causes, by Law cognizable by a Justice of the Peace, provided the cause of Action arise within the Limits of said city, and one or both of the Parties live within the same; and the said Mayor and Aldermen shall as to the causes by them severally cognizable have the same Powers and Authorities and proceed in the same Manner as Justices of the Peace now or hereafter by Law shall have and proceed.

Mayor and aldermen to have cognizance of civil causes in the city.  
Same power as justices.

And an Appeal shall be allowed from the Judgment or Determination of said Mayor and Aldermen, in any cause by them cognizable severally to the next city Court, to be holden within said city, in all causes in which an Appeal is now or hereafter shall be allowed from a Judgment of a Justice of the Peace, the prevailing Party however, if Plaintiff, may, such an Appeal notwithstanding, take out an Execution on such Judgment, provided he give Bond before the Mayor of said city or one of the Judges of said court in the same Manner as is provided in cases of Appeal from said city court.

Appeal allowed to the next city court.

And in every Action brought before the Mayor or either of the Aldermen of said city, in which the Plaintiff lives without the Limits of said city, or in which the Plaintiff is a Mariner or Seaman, suing for Wages due for Services in his Occupation, and the Defendant lives within the Limits of said city, no Appeal shall be allowed the Defendant.

Where the plaintiff lives without or is a mariner &c. no appeal.

Taxable fees,  
&c.

Processes the  
same as to  
the county  
court.

By whom  
signed,  
and served.

And the taxable Fees in all causes cognizable by the Mayor or by one of the Aldermen of said city severally, shall be the same as the taxable Fees in like cases before Justices of the Peace. - And, the Processes in all Actions brought to said city court, shall be the same as the Processes to the county courts in this State; and the Processes in all Actions brought before the Mayor or one of the Aldermen of said city, shall be the same as the Processes in Actions brought before a Justice of the Peace, and be signed by the Governor, Lieutenant Governor, one of the Assistants of this State, or by a Justice of the Peace within and for the county of *New-London*, or, by the Mayor or one of the Aldermen of said city or the clerk of said city court, and shall be served by a Sheriff, Deputy Sheriff, or constable to whom directed, according to the Laws of this State and the Provisions of this Act.

Bonds for  
prosecution,  
&c.

Except, &c.

Jurymen  
how long  
when chosen.

Names of  
the jurors to  
be returned  
to, &c.

Clerk to  
write the  
jurors names  
on, &c.

Jurors how  
drawn.

Jurors not  
lecting to at-  
tend.  
If not a com-  
plete pannel  
others drawn,  
&c.

Jurors not  
attending &c.

Jurors oath  
to be, &c.  
The name of  
each juror at-  
tending, &c.  
Liable to be  
drawn again.

City to  
choose a  
clerk.

And all Bonds for Prosecution taken by any of said Officers hereby impow-  
ered to sign Writs, shall be good and effectual in Law; and Bonds for Pro-  
secution, special Bail and Bonds for Appeal, shall be taken to the adverse Party.  
*Provided nevertheless*, That no Writs (Executions excepted) or Process sign-  
ed by the Mayor or either of the Aldermen, shall be of any Effect without the  
Limits of said city.

*And be it further enacted by the Authority aforesaid*, That the said Mayor, Al-  
dermen and common council, shall on the first Monday of *August* annually, meet  
and shall then choose a Number, not exceeding one hundred and forty-four  
Freemen of said City, to serve as Jurors at said city court, and shall  
return the Names of said Jurors under the Hand of the Mayor of said city,  
if present, or in case of his Absence, under the Hand of the Senior Alderman  
Present at such Meeting to the clerk of said city court, who shall write each Ju-  
rors Name thus chosen fairly on a separate Piece of Paper, and roll up and put  
the same into a Box, which he shall provide and keep for that Purpose. And  
whenever either of the Sheriffs of said city shall receive a Warrant from the  
clerk of said city court to summon a Jury to appear before said court, the Sher-  
riff receiving such Warrant, taking with him one of the Aldermen of said city,  
shall repair to the said clerk's Office, and there in the Presence of said Alderman  
and clerk, shall take out of said Box as many of said Papers as his Warrant  
directs, and the Persons whose Names shall be found written thereon, shall  
be summoned to appear before the court to which the Warrant is returnable to serve  
as Jurors, and in case of neglecting to attend, shall be liable to such Penalties  
as shall by the *Bye-Laws* of said city be inflicted for such neglect, and in case a  
complete Pannel shall not attend, or in case any shall be challenged or excused,  
the Sheriff attending said court shall supply such Deficiency by drawing in the  
Presence of the court, others out of said Box, and summoning them to attend  
and serve until the Pannel shall be complete; and the Names of such Jurors as  
do not attend or are excused, shall be returned into the Box and be liable to be  
drawn again. And the Oath to be taken by said Jurors shall be the same as is  
by Law provided to be taken by Jurors in civil Actions; and the Name of each  
Juror that attends any city court and serves, shall be again written on a separate  
Piece of Paper and shall be rolled up and put into another Box, which the  
clerk of said court, shall provide for that Purpose, and shall be liable to be  
drawn again in case there shall not, by reason of Death, Removal or other cause,  
be a Sufficiency in the other Box to complete the Pannels for that Year in which  
they are chosen to serve. And the said city may choose a clerk of said city, who  
shall make true and regular Entries of all the Votes and Proceedings of said  
city, and the records by him kept shall be of the same Validity in point of Evi-  
dence in any court of Law in this State, as the Records of Towns are.

And be it further enacted by the Authority aforesaid, That the said Mayor, Aldermen and Common council be, and they are hereby impowered to lay out new Highways, Streets and public Walks for the Use of said city, or to alter those already laid out in said city, and to exchange Highways for Highways, or to sell Highways for the Purpose of Purchasing other Highways, taking the same Measures in all Respects as are directed by the Laws of this State to be taken in case of Highways laid out by the Select-Men for the Use of their Towns, and the Party aggrieved by the laying out of such Streets or Highways, may have the same Remedy by Application to the county Courts as is by Law provided in cases of Highways laid out by Select-Men.

The Mayor, &c. to lay out highways &c. or alter those already laid out, &c.

And be it enacted by the Authority aforesaid, That in case any Sheriff, Deputy Sheriff or Constable shall not serve a Writ directed to and received by him that is returnable to said city Court, or shall neglect to make Return of said Writ, or shall make a false or untrue Return thereof, and a Suit shall for such Default be brought against him at the said city Court by the Person, his Executor, or Administrator in whole Favour, said Writ is issued, and the Defendant be found in Default, the said Court over and above awarding just Damages to the Plaintiff, may on said Suit let a suitable Fine upon the Defendant according to the Nature of the case, and may issue Executions for such Fine, which Fine shall be to the Treasurer of said city, to and for the Use of said city.

City Court may grant Sheriffs, &c.

Fines to be paid to the city treasurer.

And in all cases wherein the Defendant, who is sued at the city Court, living within the Limits of said city, the Writ shall be served upon him at least six days before the sitting of the Court to which the Writ is returnable; but if the Defendant lives without the Limits of said city, the Writ shall be served at least twelve Days before the sitting of said Court; and all Writs returnable at said City Court, shall be returned to the Clerk of said Court on or before the Day of the sitting of said Court, and before the first opening of said Court.

If the defendant lives in the city the writ to be served 6 days before the sitting of the court, and if without 12 days.

And the Writs returnable before the Mayor or either of the Aldermen of said City, shall, if the Plaintiff and Defendant both live within the Limits of said City, or if the Plaintiff lives without and the Defendant lives within the Limits of said city, or if the Plaintiff be a Mariner or Seaman suing for Wages due to him for Services in his Occupation, and the Defendant lives within the Limits of said City, be served upon the Defendant at least three Days before the sitting of the Court to which it is returnable; but if the Defendant lives without the Limits of said City, the Writ shall be served upon the Defendant at least six Days before the sitting of the Court to which it is returnable.

Writs returnable before the Mayor, &c.

And be it further Enacted, That the Mayor, Aldermen, Sheriffs, Common Council and Clerk of said City, shall be sworn to the faithful Discharge of their Duty, and the Form of the Oath to be taken by the Mayor of said City, shall be as follows, viz.

Mayor &c. to be sworn.

YOU being elected Mayor of the City of Norwich, do swear by the Name of the ever living God, that you will, without any Partiality, indifferently administer justice according to Law, without respect of Persons, take no Bribe, give no Countenance in any Matter that shall come before you, nor deny Right to any, but will and truly perform your Office of Mayor of said City, according to your best Skill. So help you God.

Form of the oath.

And the Form of the Oath to be taken by the Aldermen of said City, shall be the same mutatis mutandis, as is prescribed by Law to be taken by Justices of the Peace.

Aldermen to be sworn.

And the Form of the Oath to be taken by the Common Council-Men of said City, shall be as follows, viz.

**Form of an oath.**

*YOU being elected a Common Council-Man for the City of Norwich, for the Term ensuing do swear by the Name of the ever-living God, that you will faithfully and uprightly discharge the Duties of that Office so long as you shall hold the same. So help you God.*

**Sheriffs to take an oath.**

And the Form of the Oath to be taken by the Sheriffs of said City, shall be the same prescribed by Law to be taken by the Sheriffs, mutatis mutandis.

And the Form of the Oath to be taken by the Clerks of said City, shall be as follows, viz.

**Clerk's oath.**

*YOU being chosen Clerk of the City of Norwich, do swear by the Name of the ever-living God, that you will truly and faithfully attend and execute the Place and Office of Clerk of said City, according to your best Skill, and make true Entries and Records of all the Votes and Proceedings of said City, and such other Matters as by Law or by the Bye-Laws of said City, are to be recorded in your Office, and that you will deliver true Copies of the Records in your Hands, when they shall be required of you, taking only your lawful Fees. So help you God.*

**By whom administered.**

Which Oaths may be administered by any Assistant of this State, or Justice of the Peace within and for the County of New-London, or by the Mayor or either of the Aldermen of said City, provided the Mayor or Alderman administering such Oath hath been sworn according to this Act.

**Certificates to be given and recorded.**

And the Person administering the Oath prescribed by this Act, shall give a Certificate thereof under his Hand to the Officer to whom he administered such Oath, which Certificate shall be recorded in the Records of said City, before the Person to whom it is given shall be capable of executing the Office to which he was chosen.

**Power to make Bye-Laws.**

*And be it further Enacted*, That there shall be a Court of Common Council of said City, of which the Mayor, Aldermen and Common Council of said City shall be the Members, who, or the Major part of them, shall have Power to make BYE-LAWS, relative to Markets, and Commerce within the Limits of said City; relative to Persons summoned to serve as Jurors at said City Courts and neglecting to attend or refusing to serve; relative to the Streets and Highways of said City; relative to Nuisances within said City Limits; relative to the Wharves, Channels, Anchoring and Mooring of Vessels; relative to Trees planted for Shade, Ornament, Convenience or Use public or private, and to the Fruits of such Trees; relative to Trespasses committed in Gardens; relative to Walks and Buildings public or private; relative to the Sweeping of Chimneys and preserving said City from Fire; relative to Forms of Oaths to be taken by the Treasurer of said City, and Inspectors of Produce brought to said City for Sale or Exportation; relative to the Manner of warning Meetings of said City and the Court of Common Council, and the Times and Places when and where they shall be holden; relative to the Qualifications in point of Property of the Mayor and Aldermen; relative to the Bonds to be given by the Sheriffs of said City for a faithful Discharge of their Duty; relative to the Penalties to be incurred by those who being chosen to any City Office, shall (not being excused by the City) refuse to serve; relative to a City Watch; relative to the Burial of the Dead; relative to the public Lights and Lamps of said City; relative to restraining Geese and Swine from going at large within the Limits of said City, and to inflict Penalties for the Breach of

**To inflict pecuniary Penalties not exceeding 10l.**

high Bye-Laws; provided however, that such Penalty shall in no Case exceed the Sum of Ten Pounds lawful Money; and said Penalties shall be to such Persons as the Bye-Laws of said City shall direct, and be recoverable by the Persons to whom forfeited by Action of Debt brought to the City Courts of said City, in which Action no Appeal or Review shall be allowed; provided however, that no Bye-Laws of said City shall be made repugnant to the Laws of this State; and provided also, that all the Bye-Laws made by said Court of Common Council, shall be approved of by said City in legal Meeting assembled, and after being approved, shall be published at least three Weeks successively in some public News-Paper in or nearest said City, before the same shall be of any Validity; and all the Bye-Laws of said City shall at any Time within six Months after they are made, be liable to be repealed by any Superior Court holden in said County of New-London, if by such Superior Court on a Hearing adjudged to be unreasonable or unjust.

Penalties to be to, &c. Recovered by, &c. No appeal, Proviso.

Bye-Laws to be published.

Liable to be repealed.

And all Grants and Leases of any real Estate belonging to said City, signed by the Mayor of said City, and sealed with the City Seal, and approved by said City in legal Meeting assembled, shall be good and effectual in Law to convey the Estate intended to be conveyed by such Grant or Lease, provided the same be recorded in the Records of the Town where the Land leased or granted lies.

Grants and Leases signed by the Mayor, &c.

And said City shall have Power to appoint Inspectors of every Kind of Produce of the United States brought to said City for Sale or Exportation.

Inspectors of Produce.

And the Vote or Choice of the major Part of the Freemen present at a legal Meeting of said City, shall be considered in all Cases as the Vote or Choice of said City.

Vote of the major Part of the Freemen valid.

And whenever the Mayor of said City or any other Officer of said City, eligible by the Freemen thereof shall resign, or be removed by Death or otherwise, no other Person shall be chosen in his Place by said City, and (if an annual Officer) shall continue in Office until the Expiration of the Month of July next following, unless another shall be sooner chosen and sworn in his stead.

In case of Death, &c. of any Officer, &c.

And the Mayor of said City or in his Absence, the senior Alderman present at any Meeting of said city, or at any court of common council, shall Ex Officio be Moderator thereof, and the Meeting of said City may from Time to Time by a major Vote of the Freemen present be adjourned.

Mayor, or, &c. to be Moderator of the City Meeting, which may be adjourned First Meeting.

And be it further enacted by the Authority aforesaid, That the first Meeting of said City shall be holden at the Town-House in said Norwich, on the second Tuesday of July next at nine of the Clock in the Forenoon for the choice of Mayor, Aldermen, Common Council and Sheriffs of said city, and to transact such other Business as may be necessary, which Meeting may be from Time to Time adjourned, and a Copy of this Paragraph of this Act certified under the Hand of the Secretary of this State and published in the Sign-Post in said Town of Norwich, at least three Days before said second Tuesday of July, shall be a legal Warning of the Freemen of said City to attend said first Meeting, and the annual Officers chosen at said Meeting shall continue in Office until the Expiration of July, A. D. 1785, unless others are sooner chosen and qualified in their stead, and the said City shall at such Meeting, first chuse a Clerk of said City, who shall be immediately sworn, and shall forthwith make a Record of his being chosen and sworn, and the Record thus made by him in each case shall be good, and effectual, any Thing in this Act to the

Annual Officers to continue, &c. until, &c.

First Meeting to chuse a Clerk.

Then the Mayor, &c.

contrary notwithstanding; and such Records may be made by Clerks hereafter chosen of their being chosen and sworn, and shall be good and effectual, any thing in this Act to the contrary notwithstanding; and said City shall thereupon proceed to chuse a Mayor and the other Officers of said City eligible by the Freemen thereof; and the Justices of the Peace within and for the County of *New-London*, living and inhabiting within the Limits of said City and present at such first Meeting, shall have as to the Election of the Mayor, Aldermen, Sheriffs, Common Councilmen and Clerk of said City, the same Powers and proceed in the same Manner as the Mayor, Aldermen and Sheriffs of said City by this Act are to have and proceed in at the future Elections of said City. And the senior Justice of the Peace within and for the County of *New-London* living within the Limits of said City, present at said first Meeting, shall be Moderator thereof, until there shall be a Mayor or Alderman chosen and qualified according to this Act; and said City shall at their first Meeting appoint a Time and Place for holding the first Court of Common Council, which Court shall have Power to adjourn from Time to Time; and the first City Court of said City shall be holden on the second Tuesday of *August* next at the Town-House in said City, and the City Courts of said City may be holden in said Town-House from Time to Time, or in such other Place in said City, as said City shall provide and judge proper.

First Moderators.

First City Court when holden.

Provide.

*Always provided*, That any Thing in this Act notwithstanding the Inhabitants living within the Limits of said City shall to all Intents and Purposes be and remain a Part of the said Town of *Norwich*.

Provide.

*Provided nevertheless*, That if this Act or any of the Provisions therein contained shall be found inconvenient, or in any Respect inadequate, the same on Representation of the city or otherwise may be altered or revoked by the General Assembly.

Provide.

*Provided nevertheless*, That the Judges of said city court may and they are hereby authorized to hear, try and finally determine all causes brought before the city court by a Jury of six Freemen, or without a Jury, where neither of the Parties desire to have a cause decided by a Jury, or by more than six Jurors.

Public Act.

And this Act shall to all Intents and Purposes be a public Act.

An Act to enable the Cities of *New-Haven*, *New-London*, *Hartford*, *Middletown*, and *Norwich* respectively to grant the Freedom of those Cities to Persons living without the Limits of said Cities.

Power to grant Freedom of Cities to, &c.  
Right to Vote at Elections, &c.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That said Cities respectively shall and may have Power to grant the Freedom of those Cities to any Person or Persons living without the Limits of said Cities, and the Person to whom such Freedom is granted shall, upon taking the Oath by Law required, have Right to Vote at any of the Elections and in any City Meetings of that City by which such Freedom is granted.

Provide.

*Provided nevertheless*, That no Person shall in Virtue of such Grant be considered as intitled to the Rights of a free Citizen of this State, or as acquiring a Right of Inhabitaney in that Town within which the City granting such Freedom lies.

# ACTS AND LAWS

Made and passed by the General Court or Assembly of the State of *Connecticut* in *America*, holded at *New-Haven*, in said State, on the second *Thursday* of *October*, *Anno Dom.* 1784.

An Act for levying and collecting Duties on the Importation of certain Articles, and for appropriating the same.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That from and after the first Day of *January* next, there shall be paid on the following Articles, imported or brought into this State, by Land or Water, not the Manufacture of any of the United States, viz On the following Articles, in Addition to the Duties heretofore laid, viz. On all wrought Silk, Gauze, Muffin, Cambrick, Lawn, Chintz, Lace, and Linens, a Duty of two per Cent. *ad Valorem*, at the Time and Place of Importation, said Value to be ascertained, and said Duty to be collected in the same Manner, and under the same Regulations, Forfeitures and Disabilities, as are provided in and by a Law of this State, intituled, "An Act for levying and collecting a Duty on certain Articles of Goods, Wares and Merchandize, imported into this State by Land or Water;" on each Beaver and Beaverset Hat, *Six Shillings*; on each Callor Hat, *Three Shillings*; on each Felt Hat, *One Shilling*; on each Pair of Men's or Women's Shoes, *One Shilling*; on each Pair of Boots, *Six Shillings*; on each Pound of tanned Leather, *Three-pence*; on each Saddle, *Ten Shillings*; on all Cheese, not the Manufacture of any of the United States, *Four-pence* per Pound; on each Pound of Sugar, other than brown Sugar, whether the Produce or Manufacture of the United States, or not, imported into this State, *Three-pence*; to be collected in the same Manner, and under the same Regulations, Forfeitures, Penalties, and Disabilities, as the Duties of two per Cent. on the Articles before enumerated in this Act.

Duty of two per cent. on certain enumerated articles.

Particular duties on certain articles.

And be it further enacted by the Authority aforesaid, That a Duty of *Three-pence* per Gallon be laid and collected on all Wines, and on all Brandy, Geneva, and other distilled spirituous Liquors, (except Rum) which shall be imported into this State by Land or Water, and a Duty of *Three-pence* per Gallon on all Beer, not made in the United States, to be collected in the same Manner, and under the same Regulations, Forfeitures and Penalties, as the Duty on Rum, by Virtue of a Law of this State, intituled, "An Act for laying and collecting Duties on the Importation of Rum."

Duty on wines and distilled spirits.

And be it further enacted, That the Monies arising on the Duties aforesaid, be, and they are hereby appropriated for paying this State's Quota of the Interest of the Debt of the United States, agreeably to the Requisitions of Congress, and the same may be paid in Money, or Certificates for said Interest, to be issued from the Loan-Office in this State, pursuant to a Resolution of Congress, of the 28th of *April*, 1784.

Duties how appropriated

And be it further Enacted, That there shall be a further Duty of *One Penny* per Gallon on all Rum imported into this State, in Addition to the Duty of *Two-Pence* on the Gallon, granted by the aforesaid Act, intituled, "An Act for laying and collecting Duties on the Importation of Rum," and shall be collected in the same Manner as in said Act is provided.

Additional duty of one penny on rum.

And that two thirds of both the said Duties on Rum, may be paid in the

T t

**How paid.** aforesaid Certificates for Interest, or lawful money, and the other third shall be paid in Money, and is hereby appropriated for the Support of Civil Government in this State.

**Commencement of this act.** This Act to commence on the first Day of January next, and be in Force from and after that Time.

**An Act in Addition to an Act, intituled, An Act, for encouraging and promoting the Commerce of this State.**

**Beef & pork barrels affixed.** **B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That all Barrels used for the packing of Beef or Pork, containing twenty-eight Gallons, and two Hundred Weight, and every Barrel used for packing of Fish, and containing twenty-eight Gallons, shall be deemed to be merchantable, and of full Affize, any Law, Usage, or Custom, to the contrary notwithstanding.

**Fish how to be pack'd, &c.** That all barrelled or salted Fish for Sale, (except such as are split) shall be packed and put up edgewise; and whosoever shall sell, or ship for Sale, any such barrelled or salted Fish otherwise packed (excepting as aforesaid) shall forfeit and pay the Sum of *Twelve Shillings* for every such Barrel of salted Fish, and so in Proportion, when the same are salted or packed in greater or lesser Cases, to be recovered by any one who shall sue for the same.

**Lumber regulated.** That the Dimensions of the several Sorts and Kinds of Lumber for Exportation, hereafter mentioned, shall be as follows, to wit,---All White-oak Pipe Staves, four Feet eight Inches long, and three Inches and an Half in Width; White-oak Hoghead Staves, three and half Feet long, and three and half Inches in Width; White-oak Barrel Staves, two and half Feet long, and three and half Inches wide; White-oak Hoghead Heading, two and half Feet long, and six Inches wide, and all free from Sap; all White-oak Barrel Staves to be used within this State, shall be two Feet and four inches long, and three inches and an half wide; all Black and Red-oak Hoghead Staves shall be three and half Feet long, and three and half Inches wide; all French Segar Hoghead Staves shall be four Feet and seven Inches long, and three and half Inches wide; all Staves and Heading shall be three quarters of an Inch thick in the thinnest Part; that all Cedar and Pine Shingles shall be one Foot and six Inches long, four Inches wide, and half an Inch in thickness at the Butt; that no Pine Boards shall be deemed merchantable, unless the same are an Inch thick. And if any Person or Persons whatsoever, shall after the first Day of *March* next, ship, or take on Board any Vessel within this State, any Quantity or Parcel of the aforesaid Sorts of Lumber for Exportation, which are not of the Dimensions and Description aforesaid, the said Lumber to shipped or taken on Board, as aforesaid, contrary to this Act, or the Value thereof, shall be forfeited by the Person or Persons who ships, or takes the same on Board, as aforesaid, one Half thereof to the Prosecutor, and the other Half to the Treasury of this State; and the same may be seized and proceeded with in the same Way and Manner, as is provided in one Statute of this State, made for levying and collecting a Duty on the Exportation of Timber, &c.

**Tobacco.** And be it further enacted by the Authority aforesaid, That every Cask of Tobacco, that shall be hereafter packed and offered for Sale, within this State, shall be branded with the Packer's Name and the Name of the Town where such Tobacco shall be packed, at full length; and whosoever shall sell, or expose to Sale, any Cask or Casks of Tobacco, not branded as aforesaid, shall forfeit and pay a Penalty of *Forty Shillings* for each and every such Cask of Tobacco, to be recovered by any one who shall sue for the same.

That every Barrel or Cask of Pot or Pearl Ashes, offered or exposed for Sale

within this State, shall be inspected and branded with the Maker's and inspector's Names, and the Name of the Town where made, all at full length, and with a Mark or Figure expressing the Degree of the Quality of such Pot and Pearl Ashes; and whosoever shall offer, or expose for Sale, any Barrel or Barrels, or other Cask or Casks of Pot or Pearl Ashes, within this State, not inspected and branded as aforesaid, shall forfeit and pay for every such Barrel or Cask, the Sum of *Forty Shillings*, to be recovered by any one who shall sue for the same.

That no Barrel, or other Cask, or Quantity of Flour, shall be exported out of this State, in any Vessel whatever, unless the same shall have been first duly inspected, and branded with the Inspector's Name, and the Name of the State at full Length, and with a Mark expressing the Degree of the Quality of such Flour, and a Certificate thereof, obtained from such Inspector, and produced to the Naval Officer of that Port in this State where such Vessel shall be cleared out: And if any Person or Persons, whatsoever, shall ship or export any Flour contrary to this Act, shall forfeit the same or the Value thereof, the one Half to the Prosecutor, and the other Half to the Treasury of this State; and the same may be seized, and proceeded with in the same Way and Manner, as is provided in the aforementioned Statute, made for laying and collecting a Duty on the Exportation of Timber, &c.

That the several Towns in this State, from which Pot or Pearl Ashes shall be exported, and all Towns where Flour or Tobacco shall be packed or barreled, are empowered and directed, at their annual, or any other legal Meeting, to choose Inspectors and Branders for the Purposes mentioned in this Act who shall be sworn to a faithful Discharge of their several Offices, *mutatis mutandis*, as is by Law prescribed for Surveyors of Highways, Leather Sealers, &c. And that said Inspectors and Branders shall be intitled to the following Fee or Reward for their Services, to wit: For inspecting, branding, and heading up every Cask of Pot and Pearl Ashes, the Sum of *One Shilling*; for inspecting and branding every Cask of Flour, and giving a Certificate thereof, the Sum of *Three pence*; for inspecting, heading, and branding every Barrel of Fish, the Sum of *Six pence*; for inspecting and branding Tobacco, as is already by Law provided.

An Act, in Addition to an Act, intituled, An Act to enable the United States, in Congress assembled, to levy certain Duties and Imposts, on certain Goods and Merchandizes imported into this State, to be applied in Payment of the Debts of the United States, contracted for the supporting the late War, in Compliance with a Resolution of Congress of the 18th of April, 1783.

BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the United States in Congress assembled be, and they are hereby empowered and authorized, to levy for the Use of the United States aforesaid, the Duties mentioned in said Act, on all Goods imported into this State from any foreign Port, Island or Plantation, not within the United States, under the Limitations and Provisions of said Act, when Congress shall have published an Ordinance for collecting said Duties in Consequence of twelve of the United States having passed Acts similar to said Act, and the Provisions of this Act.

Provided nevertheless, That the United States in Congress assembled, shall

unqually require of the State which shall neglect or refuse to pass Acts similar to the aforesaid Act, or to this Act, the Payment of such Sums as shall become their just Proportion from Year to Year, of the Principal or Interest of the Debt of the United States, required to be paid within such Year: and that the Proportion assigned to such State, shall be made upon the Ability of such State, in the Year wherein the Requisition shall be made.

An Act in Addition to, and in Alteration of a Law of this State, intituled, An Act for levying and collecting a Duty on certain Articles of Goods, Wares, and Merchandize, imported into this State by Land or Water.

Manifest to  
specify the  
particulars,  
&c.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Master of every Ship, Vessel or Boat, shall in the Manifest by him to be exhibited, according to the Direction of said former Act, specify every Bale, Package, Cask, Trunk or Chest containing any Article of Goods, Wares and Merchandize, and also the Marks and Numbers of such Bale, Package, Cask, Trunk and Chest, shipped or taken on Board his Ship, Vessel or Boat at the Port, Ports or Places from which he came, and also specify the Kind, Quantity and Quality of every particular Article of Goods, Wares and Merchandize, in each and every such Bale, Package, Cask, Trunk and Chest, and also the Kind, Quantity and Quality of every other Article of Goods, Wares and Merchandize, by him taken on Board his Ship, Vessel or Boat, at the Port, Ports or Places from which he came, and shall before the Naval-Officer or Collector to whom such Manifest is exhibited, take the following Oath, instead of the Oath provided by said Act to be taken by the Master of a Ship, Vessel or Boat, viz.

Oath.

**Y**OU swear by the Name of the everliving GOD, that the Manifest you have now exhibited, contains a true and perfect Account of every Bale, Package, Cask, Chest and Trunk by you taken on Board your Ship or Vessel, at the Port, Ports or Places from which you came, and also a true and perfect Account of each particular Article of Goods, Wares and Merchandize by you taken on Board your Ship or Vessel at the Port, Ports or Places from which you came, and of which Bales, Packages, Casks, Trunks, Chests or Goods you are by Law directed to make a Manifest, and that the Bales, Packages, Casks, Chests and Trunks, specified in said Manifest, did not at the Time they were shipped or taken on Board your Ship or Vessel, nor do they now contain any other Goods, Wares and Merchandize, than what you have specified in your Manifest, and that no Article whatever hath been unladen from your Vessel.

So help you GOD.

Provide.

*Provided nevertheless,* That if at the Time of exhibiting such Manifest, the Owner of such Bale, Package, Cask, Chest or Trunk, or any other credible Person in behalf of such Owner, shall appear and exhibit an Invoice expressing the Kind, Quantity and Quality of each and every Article of Goods, Wares and Merchandize contained in any such Bales, Package, Cask, Chest or Trunk, and shall before the proper Naval-Officer or Collector, make Oath that the Invoice by him exhibited, is a true and perfect Inventory of every Article of Goods, Wares and Merchandize that was packed or contained therein, at the Time such Bale, Package, Cask, Chest or Trunk was shipped on Board the Ship, Vessel or Boat in which imported, and at the Time of exhibiting said Invoice, the Master shall not be obliged to insert an Account of such Bale, Package, Cask, Chest or Trunk, in the Manifest by him exhibited.

State Duties.

315.

And it shall be lawful for the Master of every Vessel, Ship or Boat, within twenty-four Hours after arriving at his Port of Delivery in this State, to open for the Purpose of making a Manifest according to the Order of this Act, every Bale, Package, Case, Chest and Trunk, of which he is by Law to make a Manifest, unless the Owner thereof, or some other Person in his behalf, shall appear and exhibit an Invoice thereof, according to the Terms of this Provision, and pay, and secure to be paid, the Duties accordingly.

Master enabled to open the packages, &c.

unless, &c.

And be it further enacted by the Authority aforesaid. That if in any Case, the Provisions of this Act, with Respect to exhibiting a Manifest, and making Oath thereto, shall not be complied with, all the Forfeitures and Penalties of said former Act, shall, by such Neglect be incurred : Which Forfeitures and Penalties may be prosecuted for and recovered, and disposed in the same Manner, and to the same Uses and Persons, as the Forfeitures and Penalties in similar Cases, are by said former Act to be prosecuted for and disposed of.

Forfeitures how recovered and disposed of.

And be it further Enacted, That in all Cases where a Duty of Five per Cent. *ad Valorem*, by the said former Act is to be paid, the Rule for ascertaining the Value of the Goods at the Time and Place of Importation, shall be the same as is provided in said former Act, in Case of Goods imported in a Ship, Vessel, or Boat of the Burthen of thirty-five Tons or more. And the Person who exhibits an Invoice, according to the Provisions of the said former Act, shall, instead of the Oath therein provided, make Oath before the Naval-Officer or Collector to whom the Invoice is exhibited, that the Invoice, or Invoices by him exhibited, are the true Invoice, or Invoices of the Articles therein enumerated and specified, and that the Prices thereip stated, are the Prices at which those respective Articles were *bona fide* bought by him ; and that the Invoice, or Invoices by him exhibited, do contain a full and perfect Account of every Article of Goods, Wares, and Merchandize by him shipped on Board of, or imported directly or indirectly in the Ship, Vessel, or Boat in which the Articles specified in the Invoice by him exhibited were imported.

Rule for ascertaining the value, &c.

And be it further Enacted, That if any Person whatever, having taken either of the Oaths provided by this Act to be taken, shall falsify the Truth in any of the Matters to which the Oath he has taken relates, he shall on Conviction thereof, suffer the Pains, Penalties and Disabilities of wilful Perjury.

Penalty for false swearing.

And be it further Enacted, That all Vessels and Boats, under the Burthen of thirty-five Tons, and their Tackle, Apparel, Furniture, or Cargo, seized by Virtue of said former Act, shall and may be libelled before the same Court, and be proceeded with in the same Manner as by said former Act is provided in Case of Vessels under the Burthen of twenty-five Tons.

Vessels, &c. under 35 tons how proceeded with.

An Act in Addition to an Act, entitled, An Act for the Regulation of Navigation.

BE it enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That in future every Vessel of the Burthen of Fifteen Tons and upwards, that shall be, or has been built in this State, or whose Owners, or any Part of them shall belong to or reside within this State, whose Owner or Master shall neglect or refuse to take out a Register from this State, as is directed by said Act, said Vessel shall be liable to be seized, and forfeited to the Use of this State. And it shall be the Duty of the Naval-Officer, to seize and prosecute the same as aforesaid.

All vessels to take out registers.

An Act in Addition to an Act, entitled, An Act for the Regulation of Navigation.

Naval-Officers to account every 6 months.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled and by the Authority of the same, That there shall be kept at the Port of *Norwich*, one Naval-Officer, who shall be nominated and deputed in the same Way and Manner. and be subject to the same Rules and Regulations that other Naval-Officers in this State by Law are. That for the future, the several Naval-Officers in this State, that are, or may hereafter be appointed, shall, once in six Months render their several particular Accounts to the Treasurer of this State, of all the Monies and Certificates for Interest which they may or shall receive for any Duties or Imposts for the Use and Benefit of this State, and pay and deliver the same to the said Treasurer, taking his Receipt therefor; and on Failure thereof, he or they shall, upon Complaint and Proof made to his Excellency the Governor, be (*ex officio*) dismissed from his or their Office, and another appointed in his or their Room and Stead: And it shall be the Duty of said Treasurer to make Complaint to his Excellency the Governor of all such Failures and Neglects.

An Act in further Addition to, and Alteration of an Act, intituled, An Act for the better establishing and confirmation of the Titles of Land, &c. made and passed in *October*, 1723.

Mode of calling proprietors meeting.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That where any Warrant shall be obtained from an Assistant or Justice of the Peace, pursuant to the directions of said Act, for calling a Meeting of the Proprietors of such common or undivided Lands, the same, instead of the Mode directed by said Act, shall be published by inserting in some public News-Paper, in or nearest the Town where such Lands are situate, four Weeks successively; and also by posting on the public Sign-post in each Town, at least twenty Days before the Day appointed for such Meeting; which shall be a sufficient Warning and Notice for holding the same.

And be it further Enacted, That the Method provided by this and the aforesaid Act, may be had and taken for the obtaining and calling such Proprietors Meeting, any Difficulty or Impediment which may have taken place by Means or in Consequence of any such Proprietors having adopted, agreeable to the Liberty of said Act, any other or different Mode of calling such Meeting notwithstanding.

An Act in Alteration of an Act, intituled, An Act for the Direction of Listers in their Office and Duty.

Swine exempted.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That all Swine shall hereafter be exempted out of the List of rateable Estate.

**An Act in Alteration to a Law, intituled, An Act for stating, limiting and naming the Counties in this State.**

**W**HEREAS in the late Revision of the Laws of this State, the Town of Washington was omitted to be entered in the List of the Towns for the County of Litchfield, when it ought to have been inserted in said List, next after the Town of Norfolk.

**B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That the Town of Washington, Town of Washington included in Litchfield County. be included in, and be a Part of the County of Litchfield.

# ACTS AND LAWS,

Made and passed by the General Court or Assembly of the State of Connecticut, holden at Hartford, (in said State) on the second Thursday of May, Anno Domini 1785.

An Act vesting the United States in Congress assembled with Power to regulate the Commerce of the United States.

Preamble.

*WHEREAS the United States in Congress assembled, on the 30th day of April 1784, recommended to the several States to vest Congress with certain Powers for the Purpose of enabling them to secure to the Citizens of the United States reciprocal Advantages in their Commerce with foreign Nations, and the same having been duly considered and deliberated upon:*

Congress  
vested with  
power to  
regulate  
Trade for  
the term of  
25 years.

**B**E it enacted by the Governor, Council, and Representatives in General Court assembled, and by the Authority of the same, That the United States in Congress assembled, be, and hereby are vested with full Powers and Authority for the Term of Fifteen Years next ensuing, to prohibit any Goods, Wares, or Merchandize, from being imported into, or exported from this State in Vessels belonging to, or navigated by the Subjects of any foreign Power with whom the United States shall not have formed Treaties of Commerce, and to prohibit the Subjects of any foreign State, Kingdom, or Empire, unless authorized by Treaty, from importing into this State any Goods, Wares, or Merchandize, which are not the Produce or Manufacture of the Dominions of the Sovereign, whose Subject they are, and to take proper Measures for carrying the same into Effect.

Provide.

*Provided, That to all Acts of the United States in Congress assembled, in pursuance of the above Powers, the Assent of nine States shall be necessary. Provided also, that this Act shall not take effect until ten States in the Union shall have passed Acts vesting Congress with similar Powers, and that the Prohibitions that shall be made extend alike to all States.*

## An Act for erecting and constituting a County.

Time of  
holding  
Courts in  
Middlesex  
County.

**B**E it enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That the Towns of Middletown, Haddam, Killingworth, Saybrook, East-Haddam, and Chatham, be, and they are hereby constituted a distinct County by the Name of the County of *Middlesex*; and there shall be held in said County a Superior Court, in Middletown, on the last Tuesday of July, and at Haddam on the last Tuesday of January, annually; and a Court of Common Pleas in Middletown on the second Tuesday of December, and at Haddam on the fourth Tuesday of April, annually; and all Suits commenced, and depending in the Counties of Hartford and New-London, between Parties in said Towns, shall proceed to Judgment and Execution as though this Act had not been made.

Provide.

*Provided, That all the Courts in said County shall be holden in Middletown, until the Town of Haddam shall at their own Expence erect a Court-House and Goal within said Town, to the Satisfaction of the County Court in said County.*

An Act in addition to a Law entitled an Act for regulating the Election of the Governor, Lieutenant-Governor, Assistants, &c.

**BE** it enacted by the Governor, Council and Representatives, in General Court assembled and by the Authority of the same, That in future the Meeting of the Freemen in the several Towns in the County of Middlesex for the Polls in said Act mentioned, shall be on the first Monday after the first Tuesday of April, and on the third Tuesday of September annually.

An Act for laying an Excise on sundry Articles of Consumption within this State.

*WHEREAS* it is necessary in order to establish Funds for the Payment of the Interest and to support the Value and Credit of Public Securities; that Measures be adopted and pursued in addition to the ordinary Mode of Taxation within this State. Preamble.

**BE** it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That there shall continue to be an Excise collected on Goods, Wares and Merchandize, sold by Retail or consumed in this State, as by Law heretofore granted, viz. On every Gallon of foreign Wine, Nine-pence; on every Gallon of foreign Brandy, Six-pence; on every Gallon of foreign Geneva, Six-pence; on every Gallon of West-India Rum, Six-pence; on every Gallon of New-England or Country Rum, Four-pence; on all other distilled Spirits, Four-pence per Gallon; on all imported Malt Liqueurs, Six-pence per Gallon; on each Pound of imported Snuff, Six-pence; on each Pound of Bohea Tea, Four-pence; on all other Kinds of India Tea, One Shilling and Six-pence per Pound; on each Pound of Coffee, One Penny; on each Pound of imported Chocolate, Two-pence; on each Pound of imported Loaf Sugar, Two-pence; on each Pound of Brown Sugar, Half-penny; on every Bushel of foreign Salt, Three-pence; and on all other Goods, Wares and Merchandize, not the Growth or Manufacture of this or the United States of America, two and a half per Cent. on the Value thereof, in Lawful Money, at the Time the same shall be purchased by the Person or Persons who shall retail the same. Articles enumerated with their Rates.

And that all Sales made in this State of imported Wines or other distilled Spirits, by less Quantity than forty Gallons; of Bohea Tea by less Quantity than seventy-five Pounds; of other Teas by less Quantity than fifty Pounds; of Coffee by less Quantity than one hundred Pounds neat Weight; of imported Chocolate by less Quantity than fifty Pounds; of imported Loaf Sugar by less Quantity than one hundred Pounds neat Weight; of other imported Sugars by less Quantity than two hundred gross Weight; and of imported Salt by less Quantity than thirty Bushels at one Time; and that all Sales of all other Kinds of Goods or Articles subjected to an Excise, by this Act as aforesaid, made by any Quantity except to Retailers in this State duly licenced as is herein after provided, and except to Goods sold to Inhabitants of other States to the Amount of fifty Pounds Lawful Money at one Time, shall be considered as selling by Retail within the Meaning of this Act to every Intent and Purpose.

And the County Officers in each County shall appoint a Collector from Time to Time as occasion shall require, to collect said Excise. And each Collector appointed.

so appointed shall be sworn to a faithful Discharge of his Office; and also become bound with one or more sufficient Sureties, Freeholders; and Inhabitants of this State, before such County Court, or anyone of the Judges thereof, in a Recognizance of two thousand Pounds Lawful Money, to the Treasurer of this State, conditioned that such Collector shall well and faithfully execute and perform his said Office according to Law; and make good all Damages that shall accrue to this State by Means of his failure therein, which Bond shall be entered on the Records of such County Court.

Collectors  
may appoint  
deputies.

And such Collector so appointed and qualified, shall have full Power and Authority to appoint one or more Deputy or Deputies, under him from Time to Time, as shall be needful. And such Deputies shall likewise be sworn to a faithful Discharge of said Office.

Accountable  
for the doings  
of their depu-  
ties.

And each such Collector is hereby authorized and directed either by himself or his Deputy, to demand, collect and receive all the Excise aforesaid within their respective Counties: and each such Collector shall be accountable for the Doings of his Deputies in said Office, and is hereby authorized and empowered to call his said Deputies, or any of them to account for all Monies or Securities by them so collected, when he shall think proper. And each Collector appointed by the County Court, and qualified as aforesaid, shall render to the Treasurer of this State a true Account of all his Doings in said Office, and of all the Monies collected, and Securities received on the Articles aforesaid by him and his Deputies, by Virtue of this Act once in six Months and oftner if required.

To render  
account to  
the State  
Treasurer.

And the Fee or reward of such Collector or his Deputy, shall be seven and a half per Cent. on all Monies by him Collected and paid, according to the Directions of this Act.

Fees.

Collectors to  
make enquiry  
after goods  
subject to pay  
Excise.

And it shall be the Duty of each such Collector and Deputy-Collector to make diligent Enquiry after all Goods or Articles subjected to the Payment of Excise within their respective Counties, and to Demand of every Retailer, Tavern-keeper, or other Person or Persons whatsoever, by the first Day of October next, and as often as once in six Months afterwards, a true Manifest in Writing under Oath, containing an Invoice under his or their Hands of all Articles subject to the Payment of Excise as aforesaid, which such Person or Persons shall have consumed or sold by Retail, directly or indirectly, subsequent to the first Day of January 1785, with their Quantity and Quality expressed, and the Prices annexed, which they cost such Retailer or Consumer, except of Goods and Articles which they purchased by Retail in this State, or on which he or they have before paid or secured to be paid the Excise aforesaid, which Oath may be administered by such Collector, his Deputy, or by any Assistant or Justice of the Peace as follows, viz.

To demand  
a Manifest in  
writing under  
oath.

*YOU swear by the Name of the ever living GOD, that the Manifest you have now made contains a full and true Account of all Goods, Wares, and Merchandize, except the Growth and Manufacture of this State, or some of the United States of America, which, since the first Day of January 1785, have been sold or consumed by or for you, or on your Account, directly or indirectly and of their Quantity and Quality, and the Prices they cost you; except Articles you purchased by Retail in this State, or on which you have before paid or secured to be paid the Excise granted and laid by this State; except also any of the following Articles sold by you to any Person or Traders in company to the following Amount at one Time, viz. of imported Wine or distilled Spirits, forty Gallons or more; Bohea Tea, fifty-five Pounds or more; other Teas, fifty Pounds or more; Coffee, one hundred Pounds neat Weight or more; imported Chocolate, fifty Pounds or more; imported Loaf Sugar, one hundred Pounds neat Weight or more; other imported Sugars, two hundred lbs Weight or more, or imported Sals, thirty Bushels or more; and except all any other Articles you have sold either to Inhabitants of other Spots, or the amount of fifty Pounds Lawful Money, in the whole at one Time, or of any*

Form of the  
Oath.

*Quantity is licenced Retailers in this State, who had and produced at the Time of such Sales to them a written Licence to Retail; under the Hand of an Assistant or Justice of the Peace and then in Force; according to your best Knowledge and Belief.*  
So help you GOD.

And, that such Persons as desire to be Retailers of any or all of the Articles subjected to the Payment of Excise by this Act, shall, before they or any of them Retail any of those Articles obtain a Licence before some Assistant or Justice of the Peace in the same County; and shall become bound before such Assistant or Justice of the Peace with sufficient Surety, in a Recognizance of two hundred Pounds Lawful Money, to the Treasurer of this State, that such Retailer shall duly observe and keep all the Laws of this State, that are or shall be made respecting the Excise on any Articles whatever, and shall render, whenever demanded, to such Collector or Deputy, a just and true Account and manifest upon Oath, of all the Articles which such Retailer shall then be holden for the Payment of Excise upon, by Virtue of this Act, and pay the Excise thereon to such Collector; which Licence shall continue in Force one Year and no longer from the Date thereof; and such Assistant or Justice of the Peace shall transmit a Copy of such Licence and Bond to the Collector of Excise in the County; and his Fees for granting Licence and taking Bond as aforesaid, shall be three Shillings Lawful Money, and for an attested Copy thereof, one Shilling and six Pence, to be paid by such Retailer.

Retailers to obtain licence

To give bond.

To render account to the Collector.

Licence to continue one year.

Fees for granting Licence.

That no Retailer, licenced as aforesaid, except licenced Tavern-keepers, shall directly or indirectly sell a less Quantity of the Liquors aforesaid than one Quart, or suffer the same to be drank in his House or Store or their Appendages, under the same Penalties by Law provided against selling strong Liquors without Licence.

Not to sell less than one Quart.

That all Innholders or Taverners, upon taking out Licence, shall also give Bond accordingly to the Tenor of this Act before an Assistant or Justice of the Peace, besides the Bonds given at the County Court.

Innholders to give bond.

And in Case any Retailer of any of the Articles aforesaid subject to the Payment of Excise, or any Innholder or other Person or Persons shall refuse or neglect to give in an Account under Oath in Manner and Form as the said Collectors and their Deputies are herein before enjoined to demand, in a reasonable Time after demand made as aforesaid; or shall render a false Account, such Retailer, Innholder or other Person or Persons shall forfeit, and pay, the Sum of one hundred Pounds Lawful Money, one Half to the Treasurer of this State, and the other Half to such Collector or Deputy, or any other Person who shall prosecute the same to effect in any Court proper to try the same; and shall be adjudged incapable of holding or receiving any Licence to retail any Goods, Wares or Merchandise, or to keep a Tavern or House of Entertainment within this State.

Penalty for refusing to give account, or rendering a false Account

And when any Retailer of any of the Articles aforesaid, or any Innholder or other Person shall desire it, such Collector or his Deputy may take good Security for such Excise, payable to the Treasurer of this State in one Month, with Interest till paid. And it shall be the Duty of such Collector to see that all such Securities taken by him or his Deputy, be duly collected, and on Failure thereof, to put the same in Suit by attachment or otherwise, and pursue the same to final judgment by himself or attorney, and shall be accountable for his Doings to this State.

Collectors may take Securities for payment.

That when a Collector of Excise or his Deputy shall suspect any Person hath purchased or otherwise procured in order to be used in his Family or Business in this State, any of the Articles subjected by Law to the Payment of Excise, except Articles purchased by retail, it shall be the Duty of such Collector or Deputy to apply to such Person for an Account under Oath of all such Articles he hath so supplied himself with for the Purpose aforesaid, and to demand the Excise

Collectors may call Person to Account.

thereon, and upon refusal to exhibit such Account on Oath and pay the Excise, which Oath such Collector or Deputy is hereby empowered to administer, he shall take out a Warrant from a Justice of the Peace to summon such Person to appear before him, giving the usual Notice as in other Cases, and render such Judgment on Oath and pay such Duty accordingly; and upon refusal to appear and give such Account and pay the Excise, it shall be the Duty of such Justice to give Judgment for any Sum that he shall think just and reasonable, not exceeding the Sum of five Pounds and Cost.

*And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, shall sell by retail within this State, any of the Articles subjected by this Act to the payment of Excise without Licence as aforesaid first had and obtained, such Person or Persons shall forfeit double the Value of the Articles sold; one Half to him that shall sue for and prosecute the same to effect, and the other Half to the Treasurer of this State, and shall also pay a Fine of fifty Pounds for the Use of this State.*

*And be it further enacted by the Authority aforesaid, That the Collectors of Excise shall, upon their rendering their Accounts to the Treasurer of the State, agreeable to the Provision of this Act, take a Certificate from the Treasurer of their having so done, and lodge the same with the Clerk of the County Court in the County to which they respectively belong, within one Month from the Time of taking the same, on pain of forfeiting the Penalty of their said Bonds. And it shall be the Duty of the State's Attornies in their respective Counties, to enquire after such Certificates, and to prosecute all delinquent Collectors for breach of this Act. And all Collectors and their Deputies appointed by Virtue of this Act, and all other informing Officers are hereby enjoined to inform against and due presentment make of all breaches of the same.*

*And be it further enacted by the Authority aforesaid, That all Monies raised by Excise by Virtue of this Act, shall be, and the same are hereby pledged and secured in the first Instance for Payment of the annual Interest of such Monies, as have been or may be procured on Loan by order of this Assembly.*

*And be it further enacted by the Authority aforesaid, That an Act heretofore passed, entitled, An Act for laying an Excise on sundry Articles of consumption within this State, and a subsequent Act in addition thereto, made and passed in May 1784, be and the same are hereby repealed.*

*Provided nevertheless, That all appointments of Collectors and their Deputies and all Licences granted under said former Acts, shall remain and continue to be in Force for the Time for which they were made, and granted under this Act. And that any Suit or Prosecution commenced, or right of Action or Prosecution which has accrued under said former Acts, may be proceeded upon and pursued to Judgment and Execution in the same Manner as they might have been, had not such repeal taken place.*

**An Act in further addition to and alteration of an Act for levying and collecting a Duty, on certain Articles of Goods, Wares and Merchandise, imported into this State by Land, or Water.**

**BE it enacted by the Governor, Council, and Representatives in General Court assembled, and by the Authority of the same, That if any Goods, Wares and Merchandise, on which by said Act a Duty is payable, that are the Property of any Citizen or Citizens of this State solely, or of any Citizen or Citizens of this State and of a Person or Persons not Citizens of this State, jointly as Merchants in Company, and by such Person or Persons imported into any other of**

Goods in certain cases exempted from Import.

the United States from any foreign Port or Place shall be imported from such State into this State, such Goods, Wares and Merchandize, shall be exempted from the Payment of the Duty imposed by said Act. Provided any Owner of such Goods shall declare upon Oath, and shew also by such other satisfactory Evidence as the Nature of the Case will admit of, to the Naval-Officer or Collector of the County into which the same shall be imported, within forty-eight Hours after being imported, that such Goods, Wares and Merchandize, are the Property of some Citizen or Citizens of this State solely, or the Property of some Citizen or Citizens of this State and some other Person or Persons not Citizens of this State, jointly as Merchants in Company and were by him or them bona fide imported from some foreign Port or Place not within the United States of America, and that they were imported from such foreign Port or Place, with intent and design to be imported into this State before offered or exposed to sale, and that the same have not directly or indirectly in Whole or in Part been paid for, or contracted to be paid for, to or for the Use of any Person or Persons belonging to, or residing in any other of the said United States; and that no Duty hath been paid or secured to be paid thereon in any other of the said States, which declaration upon Oath shall be according to the Depo-ment's best Knowledge and Belief. And such Naval-Officer, or Collector is hereby empowered to administer such Oath accordingly.

And be it further enacted: That from and after the twentieth Day of July next, there shall be paid instead of a Duty of five per Cent, payable by said Act, a Duty of six per Cent. ad valorem, at the Time and Place of importation, any Thing in said former Act to the contrary notwithstanding.

And be it further enacted by the Authority aforesaid: That in the Counties of Hartford, Windham, and Litchfield, there shall, after the twentieth Day of July next, be appointed by the County Courts of said respective Counties, a Collector of Impost, who shall give Bond and be sworn according to the requirements of said Act. And the Collectors so appointed shall have Power to appoint a Deputy in any one each of the Towns at his discretion within the County for which he is appointed. And such Deputy shall take the Oath by said Act provided to be taken by Collectors, and shall have the same Powers and Authorities within the Town for which he is appointed, which Collectors appointed by said Act are invested with. And the Collectors of said Counties of Hartford, Windham, and Litchfield, and the respective Naval-Officers in this State shall once in six Months account with the Treasurer of this State according to the Provisions of said Act. And the Time limited in the Bonds given by such Collectors for accounting, shall be once in six Months, any Thing in said Act to the contrary notwithstanding.

And be it further enacted by the Authority aforesaid: That the Naval-Officers within and for the Counties of New-Haven, New-London, Fairfield, and Middlesex, shall respectively have Power at their discretion to appoint one Deputy each of the Towns within their respective Counties: Provided nevertheless, That the Naval-Officer for the Port of Norwich shall not have Power to appoint a Deputy in any other Town save Norwich and Preston. And the Deputies so appointed shall take the Oath which Collectors by said Act are directed to take, and shall within the respective Towns for which they are appointed, have the same Powers and Authorities which by said Act Collectors are invested with. And the Collectors which by this Act are to be appointed and the Naval-Officers shall be respectively accountable for their Deputies. And that every Person importing any Articles by Land into any of the Towns in the Counties of Fairfield, New-Haven, New-London, and Middlesex, shall exhibit to the Naval-Officer or his Deputy in such County, the original Invoice of such Articles, or Price at which he purchased them, and make Proof of the same as is regulated in said former Act in Cases of Goods imported by Water.

Naval Officers in certain Counties may appoint Deputies.

**Penalty.** *And be it further enacted,* That if any Naval-Officer, Collector, or Deputy shall receive any Manifest or Invoice; which by Law are to be proved by Oath, without Oath made strictly according to the Directions of the Law, such Naval-Officer, Collector or Deputy, shall on conviction thereof forfeit and pay to the Treasurer of the County; to and for the Use of the County where the Offence is committed, the Sum of twenty Pounds for each Offence, and his Office as Naval-Officer, Collector or Deputy, shall from the Time of conviction be null and void.

**Penalty.** *And be it further enacted,* That if any Person shall directly import or be aiding and assisting in importing into this State by Land or Water any Article which by this Act or said Act is made liable to the Payment of Duty, without paying or securing to be paid according to Law the Duty to which such Article is liable, such Person shall (besides the Penalties already by Law to be inflicted on such Person) be for the Term of seven Years next after such Offence, rendered incapable of having and maintaining any Action founded on Contract expressed or implied, and of ever recovering any Interest that may have accrued thereon during said Term.

**Penalty.** *And be it further enacted by the Authority aforesaid,* That in any such Action already brought and commenced, or that may hereafter be commenced, in which the Defendant shall plead in Bar of said Action, that the Plaintiff after the twentieth Day of July 1789, did import or was aiding or assisting in importing from any other State into this State, any Article by said Act or this Act liable to the Payment of a Duty not having paid or secured to be paid such Duty, and on such Plea issue in Law, shall on Trial be found in favour of the Defendant, Judgment shall be rendered in favour of the Defendant, and the Plaintiff shall thereby be barred of any recovery for the same Matter, Cause, or Thing, for the Term of seven Years then next following, and shall never recover any Interest thereon that may have accrued during that Term.

**Repealing clause.** *And be it further enacted,* That the third Paragraph of said Act and this part of the fourth Paragraph of said Act, viz. "And twenty five per Cent. added to the Price at which the Articles specified in said Invoices are set, shall be deemed and taken to be the Value of such Articles at the Time and Place of Importation," and that part of said Act directing Collectors to be appointed by the County Courts, be, and the same are hereby repealed. And the Collectors already appointed under and by Force of said Act, shall hold and exercise the Powers and Authorities given to them by said Act, until the twentieth Day of July next, after which Time the Powers and Authorities of such Collectors shall cease: And said Collectors shall thereupon forthwith account with the Treasurer of this State according to the Directions of said Act.

**Collectors fees.** *And it is further enacted,* That the Collectors who shall be appointed in pursuance of this Act in the Counties of Windham and Litchfield, shall be entitled to receive out of the Duties by them collected, at the Rate of seven and a half per Cent. for their Labour, Trouble and Expence, in and about the Execution of the Duties of their Office: and likewise that the like Commissions be allowed on all Monies which shall be collected on Goods imported into this State by Land.

**An Act in addition to an Act, entitled, an Act, for collecting and paying Rates or Taxes.**

One 8th added.

**B**E it enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That on all Warrants to be issued hereafter by the Treasurer of this State for collecting of Taxes, there shall

be allowed to the several Towns in this State, an abatement of one eighth Part of the true List of said Towns respectively, which eighth Part the Civil Authority and Select-Men of the respective Towns are hereby empowered to apply for the relief of the Indigent in the Abatement of their particular Rates, in whole or in part, in such Way and Manner as they shall judge most proper, just and reasonable; and that no other or further Abatement shall be allowed in Settlement of said Taxes with the Treasurer, to the respective Towns or Collectors; any Law, Usage or Custom to the contrary notwithstanding.

And be it further enacted by the Authority aforesaid, That the Treasurer, in issuing his Distress on said Taxes against the several Collectors, shall issue and direct the same, for want of Goods and Chattels, against the Bodies of such Collectors, who on Commitment shall be held in Goal until they shall respectively pay unto the Select-Men the Sums due on such Tax, or be otherwise released by due course of Law.

Collectors may be committed to Goal.

And on return of a *Non est inventus* of the Distress or Commitment thereon of any Collector of said Taxes, the Treasurer shall forthwith issue a Distress for such part of said Taxes as may remain unpaid into the Treasury, against the Goods and Chattels of the Select-Men of the Town to which such negligent Collector belongs, in Manner as by said Act is provided.

Select-Men liable.

And be it further enacted by the Authority aforesaid, That in Case of a return of *Non est inventus*, in whole or in part of the Distress issued as aforesaid, against the Select-Men of any Town, it shall be the Duty of the Treasurer forthwith to issue a Distress for such part of said Taxes as may remain unpaid, together with all Officers Fees and Charges before such Time arisen, against the Goods or Chattels of the Inhabitants of such Town.

Other Inhabitants liable.

And in order to complete the Collection of all arrearages of Taxes due to the Treasury, for which Warrants have heretofore been issued on the List for the Year 1781, or any List since, Be it further enacted by the Authority aforesaid, That in all such Cases the Civil Authority and Select-Men in the respective Towns, be, and they are hereby authorized to make an Abatement in whole or in part of the Taxes yet due from the Poor and Indigent in such Manner and Proportion as they shall judge most just and reasonable.

Select-Men to make abatements.

Provided nevertheless, No Abatement shall be made to any Person, but such as the Authority and Select-Men shall judge unable to pay the same. And provided the whole Abatement made by Virtue of this Act, shall not exceed the one twentieth Part of the Sum total of such Tax on which the Abatement is made, which Abatements so made, shall be allowed by the Treasurer.

Provide.

And be it further enacted by the Authority aforesaid, That in all Cases where Warrants have heretofore been issued for collecting Taxes, if any Collector or Collectors shall not fully settle and pay the same to the Treasurer on or before the first Day of December next, it shall be the Duty of the Treasurer, and he is hereby authorized and directed immediately thereafter to issue one or more Warrants against the Body of any such Collector so neglecting, for want of Goods and Chattels, him to commit to Prison in common Prison, any Usage or Custom to the contrary notwithstanding. And in Case of Commitment of any Collector, or Return of *Non est inventus* on such Warrant, the Treasurer shall thereafter proceed to issue his Warrants against the Goods and Chattels of the Select-Men and Inhabitants of such Town, as the Case may be, in the same Manner as is before provided in this Act for collecting of Taxes for which Warrants have not been already issued.

Treasurer to issue Warrants against the Bodies of delinquent Collectors on the 1st of Dec.

And be it further enacted by the Authority aforesaid, That whenever the Estate of Select-Men or of the Inhabitants of any Town in this State shall be taken on Distress issued against the Select-Men or Inhabitants of the Town, according to the Provisions of this Act, the Owner or Owners of such Estate may apply to an Assistant or Justice of the Peace, not inhabiting in such Town, who

Select-Men and other Inhabitants relieved.

Is hereby empowered to appoint three judicious indifferent Freeholders, who shall appraise the Estate to taken on such Distress at the just Value in Money, which on the 5th thereof shall be paid by the Towns from which such Taxes are due, with such further Damages as shall be found just and reasonable.

Certificates  
receivable.

And be it further enacted by the Authority aforesaid, That one fourth Part of the Taxes of three Pence on the Pound, granted in January 1782, and of one Shilling on the Pound granted in May 1782, may be paid to the Collectors of said Taxes, and by them to the Treasurer, in such Certificates as may be issued from the Continental Loan-Office in this State, pursuant to the Resolution of Congress of the 28th of April 1784 for Interest due to the last Day of the Year 1782, on Loan-Office Certificates issued from the Loan-Office aforesaid, and on Certificates of other liquidated Debts of the United States, contracted in this State.

### An Act in addition to the Statute, entitled, an Act for collecting and paying Rates or Taxes.

Towns whose  
List exceed  
£30,000, may  
appoint two  
Collectors.  
Towns to be  
divided into  
Districts.  
Town Clerk  
to return  
Names of  
Collectors,  
&c.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That in any Town where the Sum total of their List exceeds the Sum of thirty thousand Pounds, such Towns shall have Liberty and Authority, if they judge it expedient, to appoint two Collectors annually to collect the State Taxes, and divide such Towns into two Districts for the Purpose of collecting the Taxes, and assign to each Collector his District to collect; and the Town-Clerk in such Case shall annually send to the Treasurer of the State the Names of both such Collectors, describing their respective Districts as in other Cases is provided where but one Collector is appointed. And the Lists of such Towns shall in the Sum total of the List, make a Division thereof according to the Districts made in such Town, and the Treasurer shall issue his Warrants to each of such Collectors respectively.

Power of Col-  
lectors.

Towns made  
responsible.

And be it further enacted, That whenever two Collectors are chosen in Manner aforesaid, they shall be vested with the same Powers and Authorities to collect the Rates on the List in their respective Districts, under the same Regulations, and be responsible in the same Manner as other Collectors of State Taxes, and such Towns shall be responsible for the Taxes as in other Cases where but one Collector is appointed, and may proceed in the same Manner against such Collectors to secure the Town and collect the Taxes if need be, whenever such Collector shall neglect to collect the same according to Law.

Towns may  
take advantage  
of this  
Act the next  
year.

And be it further enacted by the Authority aforesaid, That any Town where the Sum total of their List brings them within the Provision of this Act, may, if they shall judge it expedient, take the Benefit of this Act the current Year by dividing the Town into Districts as aforesaid, and appointing Collectors and sending their Names to the Treasurer in due Season, and before any future Warrants shall be issued by him.

No Duty to be  
paid on Rum  
not landed or

### An Act in addition to an Act, entitled, an Act for laying and collecting Duties on the importation of Rum, and in addition to an Act for levying and collecting Duties on the importation of certain Articles and for appropriating the same.

**B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That no Duty shall be payable by Force of said Acts on Rum imported into this State that is not landed or

or disposed of in this State, provided the Owners of such Rum or some other Person in his behalf, do at the Time of entering such Rum at the proper Naval-Office, give Bond with good security to the Naval-Officer to the Value of such Rum, that the same shall not be landed, sold or disposed of in this State, until the Duties payable by said Acts have been according to Law paid or secured to be paid; and that such Rum shall, if not landed, sold or disposed of as aforesaid, and the Duty paid or secured to be paid according to Law, be within one Month thereafter exported out of the State. *Provided nevertheless*, That nothing in this Act shall be construed to exempt Rum exported out of this State northward by way of Connecticut River from the Payment of Duties payable by said Act; and in Case it shall not be made to appear within two Months after the Date of such Bond, to the Satisfaction of the Naval-Officer of the Port from which it is exported, by a Certificate from the Naval-Officer of the Port to which it is imported, that such Rum was duly and legally entered at his Office, and by the Oath of two credible Witnesses, that the identical Rum specified in such Bond was bona fide exported out of this State and not re-landed in this State, such Bond shall become absolute, and the Penalty thereof be forfeited; and no less Proof than what is in this Act specified, shall be admissible by any Naval-Officer of this State, nor shall such Naval-Officer on any pretence receive such Proof after the expiration of said two Months.

fold in this State, &c. To give Bond with security.

*Provided*.

An Act in addition to an Act, entitled, an Act for the Settlement of testate and intestate Estates,

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That when it shall happen that the personal Estate of a deceased Intestate, leaving a Widow, is not sufficient for the Payment of Debts of the said Deceased, besides such Household Goods, as are necessary for the Support of Life, and are exempted from Execution by Law in such Case, the Court of Probate that grants Administration on the Estate of said Deceased, shall order unto the Widow such necessary Household Goods, exempted from Execution as aforesaid, to be her own Property.

Personal Estate insufficient to pay Debts of Deceased to be exempt from Execution, Widow living.

An Act in addition to, and alteration of an Act, entitled, an Act for constituting and regulating Courts, and appointing the Times and Places for holding the same.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That for the future the Time for holding the Court of Common Pleas within and for the County of Windham, shall be the third Tuesday in August annually, instead of the third Tuesday in June, as by Law heretofore provided: And all Actions commenced or that shall be commenced before the tenth Day of June next, returnable to the Court of Common Pleas in said County on the third Tuesday of June next, and all Actions and Suits which stand continued to that Time, and Appeals taken from Judgments rendered by single Ministers of Justice in said County, shall and may be entered in said Court, to be holden on the third Tuesday in August next, and proceed to final Judgment and Execution in the same Manner as they might have been entered and proceeded with in said June Court, if this Act had not been made.

Time of holding C. Court in Windham. Suits bro't before the 10th June Actions now continued. Appeals from Justices, &c.

An Act in addition to an Act, entitled, an Act concerning Book Debts.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That all such Book Debts

Limitation of Book Debts unless, &c. as are now outstanding, or that shall hereafter be contracted, and that shall not within six Years after the contracting such Debt, or within that Term of Time after the first Day of July 1785, where such Debts are already contracted, be either sued for, ballanced, or accounted for with the original Debtor, his Attorney, Agent, or other lawful Successor or Substitute, and an Account or Balance thereof, witnessed by subscribing the Debtor or Accountant's Name to the Creditors Book, such Debt shall not be recoverable in any Court in this State.

Proviso.

*Provided nevertheless,* That the Time the Debtor shall be out of this State or the Creditor shall be absent from the United States, or legally incapable to sue in his own Name, shall not be computed as a Part of the Time limited by this Act.

An Act in addition to an Act, entitled, an Act for directing Lifters in their Office and Duty.

Lifters to make return to Gen. Assembly.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled and by the Authority of the same, That the Lifters of the several Towns in this State, shall make Return of the Lifts of their respective Towns to the General Assembly at their Sessions in October annually, on or before the second Tuesday after the Meeting of said Assembly, under the Penalty in said Act annexed to the Neglect of returning the Lift.

Penalty for neglect.

An Act in further addition to an Act, entitled, an Act for fixing, limiting and naming the Counties in this State.

Berlin to be in the County of Hartford.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Town of Berlin be included in, and Part of the County of Hartford.

An Act in alteration of a Law of this State, entitled, an Act for laying a Tax on Shipping, for repairing the Light-House near the Port of New-London.

Taxes to be paid by coasting Vessels.

Naval-Officer to give Certificate.

Vessel not to be liable to further Tax for one year.

**B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That the Taxes to be paid by coasting Vessels in pursuance of an Act, entitled, an Act for laying a Tax on Shipping for repairing the Light-House near the Port of New-London, shall be as follows after the 10th Day of July next, viz. for each and every coasting Vessel of the Burthen of twenty Tons or more, the Sum of twelve Shillings, annually; and if of less Burthen than twenty Tons, the Sum of eight Shillings Lawful Money, annually; which Sums shall be paid the first Time such Vessel shall clear out at any Naval-Office after said tenth Day of July; and the Naval-Officer clearing out such Vessel shall give a Certificate under his Hand and Seal of Office, of the Payment of the Tax imposed by this Act, to the Master of such coasting Vessel, and such Vessel shall not be liable from the Date of such Certificate to pay any further Tax for the space of one Year, any thing in said Act notwithstanding.

## A C T S A N D L A W S,

Made and passed in and by the General Court or Assembly of the State of CONNECTICUT, in AMERICA, holden at New-Haven, (in said State) on the second Thursday of October, Anno Domini, 1785.

## An Act for erecting and establishing a new County.

**B**E it enacted by the Governor, Council, and Representatives, in General Court assembled; and by the Authority of the same, That the Towns of Tolland, Towns in Stafford, Bolton, Somers, Hebron, Willington, Union, and the Parish of Ellington, in East-Windsor, be, and they are hereby constituted a County, by the Name of the County of TOLLAND.

And be it further enacted by the Authority aforesaid, That there shall be annually holden in said County, two County Courts, one on the third Tuesday of March and September, in said Tolland; and one Superior Court in Tolland, in said County, on the last Tuesday of January. And all Causes already instituted in the Counties of Hartford, or Windham, in Favour of, or against any Person or Persons in either of said Towns, shall proceed to final judgment and Execution, as though this Act had not been made.

Provided nevertheless, That this Act, nor any Thing contained therein, shall have any Effect, until a proper and suitable Court-House and Goal, to be approved by this Assembly, shall, by voluntary Subscription, or otherwise, without taxing said County, be erected and provided in said Town of Tolland.

An Act for regulating the Fishery, and removing Obstructions in Pawcatuck-River.

**B**E it enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That no Wear, or other Obstruction, shall be erected, set, or continued in any Part of Pawcatuck-River, dividing the States of Connecticut and Rhode-Island, upon Penalty of Eight Pounds for erecting, or setting the same; and Four Pounds for every Twenty-four Hours any such Wear, or other Obstructions, shall be continued in said River.

No wear, &c.  
to be erected  
in Pawcatuck  
river.

Time when  
to fish in said  
river;

*Be it further enacted*, That no Person or Persons, Citizens of this State, be permitted to set, or draw any Sein or Seins in said Pawcatuck-River, from the Twentieth Day of March, to the first Day of June annually, excepting between Sun rising on Monday Morning, and Sun rising on Wednesday Morning in each Week, upon Penalty of Four Pounds for each and every Time such Sein shall be set or drawn otherwise than as aforesaid. And in setting and drawing any Sein as aforesaid, at any Time from the said Twentieth Day of March, to the First Day of June annually, no Person or Persons shall be permitted to drive the Fish in said River, by thrashing, beating, or in any other Way by Sounds, upon the Penalty of Two Pounds for each and every Offence.

except, &c.

*Be it further enacted*, That no Person or Persons be permitted to fish in said River, except on the Days aforesaid, and such other Days as shall be appointed by the State of Rhode-Island, for the Benefit of the Citizens of that State, except with Hooks and Lines, upon the Penalty of Forty Shillings for each and every Offence.

And to the End that the Fish may more freely pass to the various Sources of the said River :

When dams  
in said river  
are to be o-  
pened.

Penalty.

*Be it further enacted*, That yearly, and every Year from the Twentieth Day of March to the First Day of June, there be a Passage opened in the Mill-Dam below Pawcatuck-Bridge, and in all other Dams in said River, Ten Feet in Length from the Middle of said River westerly. And the Owner or Owners, Occupier or Occupiers of any of the Dams aforesaid, who shall neglect or refuse to open a Passage or Passage aforesaid; on or before said Twentieth Day of March annually, shall forfeit the Sum of Four Pounds for every such Refusal or Neglect: And for every succeeding Day's Refusal or Neglect to open a Passage as aforesaid, from the said Twentieth Day of March to the First Day of June annually, the Offender or Offenders shall forfeit the Sum of Forty Shillings. The one Half of all the Penalties imposed by this Act, shall be to him or them who shall sue for, and prosecute to Effect; and the other Half to a public Treasury, according to Law: But if the Prosecutions are brought forward by informing Officers, the Whole of said Penalties shall be to the Use of the proper Treasury. And all informing Officers are directed to enquire after and due Presentment make of all Breaches of this Act.

Disputes, &c.  
between the  
citizens of  
this State &  
R. Island, re-  
lative to &c.  
to cease.

*Be it further enacted*, That no Suits in Law or Equity shall be instituted or maintained by the Citizens of this State against the Citizens of the State of Rhode-Island, for, or on Account of the Disturbances, Riots, and Breaches of the Peace that have heretofore taken Place between them, relative to the Fishery in Pawcatuck-River: And all Suits that may have been instituted, as aforesaid, in the Matters aforesaid, shall cease and determine.

*And be it further enacted*, That this Act shall take Effect, and be in Force, from and after the First Day of March next: Provided the Legislature of the State of Rhode-Island shall then have passed an Act, similar hereto, relative to Weirs and Obstructions in said River; relative to the Manner of Fishing; limiting to the Citizens of that State, within the Period aforesaid, two Days in each Week for fishing in said River, by setting and drawing Seines therein, distinct from the Days appropriated to the Benefit of the Citizens of this State; relative to any other Mode of fishing in said River; relative to opening the Dams in said River within the Period aforesaid; providing that an equal Benefit of said Dams, East of the Middle of said River shall be opened by the Owners or Occupiers thereof, as is herein directed to be opened West of the Middle of said River; relative to the Penalties and Forfeitures imposed by this Act; and as relative to Actions, or Causes of Action, between the Citizens of the respective States, all upon Principles of perfect Reciprocity, or as soon after the said First Day of March next, as the Governor of this State shall have received an authenticated Copy of such Act of the Legislature of the State of Rhode-Island, and shall have caused the same to be made known to the People of this State by Proclamation.

This Act to be in force after the first day of March next, provided, &c.

**An Act to prohibit the coining of Copper, without Permission first had and obtained of the General Assembly.**

*BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same*, That no Person, whatever, shall coin, or manufacture any Copper Coin of any Description or Size, without Permission first had and obtained from the General Assembly, on Pain of forfeiting for each Offence the Sum of One Hundred Pounds Lawful Money: Which Forfeiture, shall be, if sued for by a private Person, one Moiety thereof to the Use of the Person prosecuting to Effect, and the other Moiety thereof to the Treasurer of this State, to and for the Use of this State; and shall be recoverable by Action of Debt, or Information before any Court proper to try the same.

No person to coin copper without permission, &c. on penalty of 100l.

**An Act in Addition to the Statute made in May last, entitled, "An Act in Addition to an Act, entitled, An Act for collecting and paying Rates or Taxes."**

*BE it enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same*, That the Civil Authority and Select-men be, and they hereby are authorized to make an Abatement in Whole or in Part, of any of the Rates or Taxes mentioned in said Act, whether the Collector hath settled the same with the Treasurer or not: Provided it shall appear, on due Examination, that the Person upon whom the Tax or Rate was laid, hath not paid, or secured to be paid to the Collector such Rate, and is unable to pay the same: And provided also, the whole Abatement doth not exceed the one Twentieth Part of such Tax, as mentioned in said Act. And in Case any Abatements shall be made on Taxes which have been settled by any

Civil authority, &c. to abate taxes, provided, &c.

Collector with the Treasurer, the same being received and allowed by the Treasurer, he is hereby authorized and directed to refund to such Collector the Amount of the Sums abated, in the same Specie, or paper Currency, in which it was paid to him :

An Act in Addition to a Law of this State, entitled, "An Act  
" for collecting and paying Rates or Taxes."

After the 30th Nov. 1785, no Interest to be computed on any tax granted before that time, &c.

**B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That from and after the Thirtieth Day of November, 1785, no Interest shall be computed upon any Tax granted by this State, and payable before that Time ; but that from and after that Period, all such Interest shall cease and determine : And the Treasurer of this State, and all Collectors of Taxes due to him, are hereby directed to govern themselves accordingly. That no Interest shall be exacted or required on any Tax which is or shall be made payable to the Treasurer of this State, from and after the said Thirtieth Day of November, 1785 ; any Law, Usage, or Custom to the contrary notwithstanding.

Notes given to the Connecticut Line of the army, &c. to be received promiscuously, &c.

That all Notes given to the Connecticut Line of the Army of the United States, and all Certificates for Interest on said Notes, and Certificates for Interest on Monies loaned to this State issued by the Treasurer thereof, shall be received promiscuously on any Tax granted by this State, and for Duties upon Importation, and for Excise, for which either said Notes or Certificates are now by Law receivable.

List of what may be received for taxes, &c. to be published at the close of every assembly.

That in Order that the good people of this State may receive the most clear and explicit Information in what Manner they may discharge their respective Taxes, and Duties upon Importation, and for Excise payable to the Treasurer of this State ; an Account or List of whatever is made receivable upon every unsettled Tax, and for Import, and Excise, shall be published at the Close of every Session of the General Assembly, by the Secretary of the State, under the Direction of the Legislators.

The treasurer to insert in his warrants, &c.

That the Treasurer of this State be, and he hereby is directed to insert in every of his Warrants for collecting Taxes, whatever is by Law made receivable thereon.

Sale by virtue of the treasurer's warrant, &c. to be made for specie, or &c. Collector's duty.

That every Sale, by Virtue of a Warrant issued by the Treasurer for collecting Taxes, or for other Purposes, shall be made either for Specie, or for whatever else can lawfully discharge the Tax, or other Object for which the Sale is made. And it shall be the Duty of every Collector of Taxes, who shall levy his Warrant on any Property for satisfying any Tax, to insert in his Advertisements for Sale, and shall also give public Information at the Time when the Sale shall be made, of all, and whatever can lawfully be received in discharge of the Tax or Taxes for which such Levy hath been made. And that every Collector shall receive his levying Fees in whatever the Tax which he collects is made receivable, at the Option of the Person charged therewith.

His fees how paid.

That the Treasurer of this State, in settling with, and paying the Collectors of State Taxes their Fees, and the Fees of Collectors of Import.

and Excise, pay or allow them therefor on their Rates or Taxes, and Accounts in the Monies, Notes, and Certificates for which collecting Fees are made payable in the same Monies, Notes, and Certificates, and in the Proportions in which they are paid into his Hands.

Collectors of State taxes, import, &c. their fees how paid.

That on all Taxes which shall become due and payable to the Treasurer of this State, from and after the Thirtieth Day of November, 1785, the Collectors Fees therefor shall be Six-pence on every Pound he shall collect and pay into the Treasury, to be discharged in the Manner provided by this Act, which shall be paid or allowed by the Treasurer of this State, besides the Post-mileage, as heretofore allowed.

Collectors of taxes fees.

And the levying Fees of every Collector of Taxes, which shall become due and payable after the said Thirtieth Day of November, 1785, shall be One Shilling on every Tax not exceeding One Pound, and Six-pence on the Pound (besides the said One Shilling which shall be allowed upon every such Levy) on every Pound for which the Levy is made, which levying Fees may be discharged in the Manner before directed.

Their fees for levying, &c.

And be it further enacted, That so far as the passing this Act shall alter the Fees of Collectors of State Taxes, on Taxes which shall become due and payable after the said Thirtieth Day of November, 1785, it shall operate as a Repeal of every Act of the General Assembly heretofore passed for the Purpose of regulating Collectors Fees.

So far as passing this act, &c. to operate as a repeal of, &c.

An Act in Addition to a Law of this State, entitled, "An Act for the Limitation of Prosecutions in divers Cases, Civil and Criminal."

BE it enacted by the Governor, Council, and Representatives in General Court assembled, and by the Authority of the same, That no Suit or Action, either in Law or Equity, shall hereafter be brought or maintained against any Sheriff, Sheriff's Deputy, Constable, or any other Person or Persons whatsoever, for any Neglect or Default of such Sheriff, Sheriff's Deputy, or Constable in their Office and Duty, but within two Years next after the Right of Action shall accrue; and that where the Right of Action hath already accrued, no Action shall be brought or maintained as aforesaid, but within two Years from the rising of this Assembly; any Law, Usage, or Custom to the contrary notwithstanding.

Action against Sheriffs, &c. for neglect, to be bro't within 2 years after, &c.

Provided nevertheless, That Nothing in this Act shall extend to, or affect any Feme Covert, or Minor under the Age of Twenty-One Years, during the Time of their respective Disabilities; but that they may bring their Actions as aforesaid, at any Time within two Years next after the Removal of such Disabilities; any Thing in this Act notwithstanding.

Provide.

An Act in further Addition to an Act, entitled, "An Act for  
"regulating of Navigation."

**B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That there shall be kept at the Port of Stonington, one Naval-Officer; who shall be nominated and depared in the same Way and Manner, and be subject to the same Rules and Regulations that other Naval-Officers in this State by Law are.

Naval-Officer  
for the port of  
Stonington.

An Act in Addition to a Law of this State, entitled, "An Act  
"for regulating Ferries."

**B**E it enacted by the Governor, Council, and Representatives, in General Court Assembled, and by the Authority of the same, That the Owners of the several Ferries within this State, shall, by the First Day of December next, and from that Time forward, keep up and maintain on each Side the River where such Ferry is kept, a Post, with the several Fares allowed by Law for such Ferry, writ thereon in large Capitals, and place such Post so near the Place where the Passengers enter the Boat used for such Ferry, that the same, with the Writing thereon, shall be open and visible to such Passengers. And if any Owner or Owners of any Ferry, shall at any Time after the said First Day of December next, fail or neglect, for one Week, at any Time, to keep up or maintain a Post in Manner and Form aforesaid, shall forfeit and pay the Sum of Forty Shillings; the one Half thereof to the Person or Persons who shall sue for the same; and the other Half thereof to the Treasurer of the County wherein such Ferry is.

The fare of  
service to be set  
in writing at  
all ferry-places  
within this  
State.

An Act in Addition to an Act, entitled, "An Act for detect-  
"ing and punishing Trespasses in divers Cases, and direct-  
"ing Proceedings therein."

**Preamble.** WHEREAS great Damage, Loss, and Expence has been occasioned to the Owners of Masts, Yards, and Spars floating down Connecticut River, by their being taken up, and towed into By-places.

**No mast, &c.** Be it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That from and after the rising of this Assembly, no Person or Persons shall stop, take up, or interrupt any Mast, Yard, or Spar, which exceeds forty Feet in Length, floating down Connecticut River, within this State, above Middletown, unless authorized thereto by the Owner, except he or they carry the same into the Cove at Wethersfield. And whoever shall stop, take up, or interrupt any Mast, Yard, or Spar, contrary to this Act, shall be liable to double Damages that may accrue to the Owner of said Mast, Yard, or Spar, to be by him recovered in any Court within this State proper to try the same.

which exceeds  
40 feet in  
length, afloat  
in Connecti-  
cut river, to  
be taken up  
above Middle-  
town unless,  
&c.

**An Act directing Repairs of the Highways and Roads, used by the Stages carrying the public Mails.**

*WHEREAS* the Congress of the United States, have directed that the public Mails in future, be carried by the Stages; and it is necessary that the public Roads be repaired immediately, on the Route used by the Stages. Preamble.

*Be it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same,* That the Select-men of the several Towns through which the Stages charged with the Mails pass, do immediately mend and repair the Bridges and Roads used by the Stages, and keep the same in good Repair; And upon Complaint made to the County Court of any Neglect in such County, such Court shall order necessary Repairs, and grant a Warrant against the Select-men of the Town where such Neglect is found, to collect the Sums expended in Repairs from the Select-men of the Town or Towns so neglecting. Bridges and roads used by the stages that carry the mails, to be repaired, &c.

**An Act in Addition to, and Alteration of an Act, entitled, "An Act for providing, altering, regulating, and mending Highways."**

*WHEREAS* it is found that the Penalties in said Act annexed, for neglecting to work in the Highways, are found insufficient to enforce Obedience to said Act: Therefore, Preamble.

*Be it enacted by the Governor, Council, and Representatives in General Court assembled, and by the Authority of the same,* That if any Person shall refuse or neglect to work in the Highways, according to the Requisitions of said Act, he shall forfeit for every Day's Neglect, viz. For a Person, the Sum of Three Shillings; and for a Man and Team, the Sum of Six Shillings; any Provision in said Act notwithstanding. Penalty for neglecting to work in the highways.

**An Act in Alteration of an Act, entitled, "An Act for incorporating a Part of the Town of New-Haven,"**

*BE it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same,* That the City of New-Haven be, and they are hereby authorized and empowered to erect a Work-House within said City, and to make such Bye-Laws as said City shall judge necessary; relative to the Persons who may be committed to such Work-House; relative to the Manner of their being committed and confined therein; and relative to the well-ordering and governing said Work-House, and keeping the Persons, confined therein to Labour. The city of New Haven authorized to erect a work-house, &c.

*Provided nevertheless,* That such Bye-Laws shall be under the same Regulations, and liable to be repealed in the same Way and Manner as the Bye-Laws which said City are already authorized to make and pass. Provide.

An Act in Addition to an Act; entitled, " An Act for erecting  
" and continuing a Sign-Post in each Town in this State."

A sign post to  
be erected in  
each located  
society in  
this State.

*BE it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same,* That there shall in future be erected in each located Society in this State, by the Committee of such Societies respectively, and in such Situation as such Committee shall judge most convenient, a Sign-Post, at the Cost of such Society, under the same Penalties as is by Law provided against Select-men for their Neglect to set up and maintain Sign-Posts in their several Towns, to be recovered of such Society Committee, in the same Way and Manner as is by Law provided against Select-men.

Advertisements of land  
taken by ex-  
ecution, &c.  
to be posted  
on society  
sign-posts.

*And be it further enacted,* That Advertisements of Lands or Goods taken by Execution or Distress, for Rates and Taxes in such Societies respectively, shall be posted on the Sign-Post of the Society where such Lands or Goods are taken, and sold thereat. And the said Sign-Posts shall otherwise be improved for similar Purposes and Uses as Sign-Posts in the several Towns in this State have heretofore been improved according to Law.

Constables  
authority in  
societies  
made out of  
two or more  
towns.

*Be it further enacted,* That in such Societies as are made out of two or more Towns, the Constables of such Towns shall have the same Power and Authority in the Matters aforesaid, where the said Sign-Posts shall be without the Limits of the Town to which they belong, as other Constables by Law have within their respective Districts; any Law, Usage, or Custom to the contrary notwithstanding.

This act to  
be in force  
after 1st Jan.

This Act to take Effect and be in Force from and after the first Day of January next.

# ACTS AND LAWS.

Made and passed by the General Court or Assembly of the State of Connecticut, holden at Hartford (in said State) on the second Thursday of May, Anno Domini, 1786.

An Act for the better methodizing and Regulating the public Accounts, and for effecting a speedy Settlement of all outstanding Debts due to this State.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That there shall be annually appointed by the General Assembly a Comptroller of all public Accounts of this State, and the said Comptroller is hereby Authorized to appoint from Time to Time as he shall find necessary, one Clerk or more to Assist him in his said Office, and Duty. And in Order that the said Comptroller may be Enabled to Execute the Duties of his Office, he shall have free access to the public Offices of the Treasurer, the Secretary and the Pay Table, or any other public Offices or Records, with full Power to Examine all Books, Accounts, Documents or other papers whatsoever, that respect, or have any Relation to his said Office and Trust, and may call for any Acts, and Resolutions, and also for such general or particular Abstracts or Statements of any and all public Accounts as he shall Judge necessary in Order to Investigate their Situation. And it shall be the Duty of the said Comptroller from Time to Time diligently to Examine, and State the amount of all the public Debts, and Credits of this State with the United States, or with any public Offices, or other Individual or Community whatever.

Comptroller }  
authorized  
to appoint a  
Clerk.

May have  
access to the  
public Off-  
ices or Re-  
cords.

To state the  
public debts  
and credits  
of this State  
with the  
U. States.]

And in Order to Effect and bring about a speedy settlement with such as are indebted to this State;

To institute  
suits.

*It is hereby Enacted by the Authority aforesaid, That the said Comptroller shall be fully Authorized and Impowered to Institute Suits at Law in the Name of this State against any and every Person or Persons, or Body of Men who have received any public Monies, or Property by any way or means whatever, and who have not regularly accounted for the same, (excepting only the Collectors of the public Taxes in the State.) And for this purpose the said Comptroller is Authorized to Employ, or Substitute an Attorney, or Attorneys under him to sue for such Monies, or other Property so unaccounted for, and pursue the same to final Judgment and Execution in favour of this State. And that the Officer who shall Collect the Monies on such Execution, and all other Persons who shall by the appointment, Order, or direction of such Comptroller, receive the Monies of this State shall pay the same (when Collected), to the Treasurer of this State taking Duplicate Receipts therefor, and Lodge one of them with the Secretary, and the other with the Comptroller: And it shall be the Duty of the said Comptroller to exhibit to the General Assembly in May and October annually, (and oftener if thereto required) an Account of all monies received, into the Treasury, on any, and all Taxes that have been laid and are yet unsettled, or may from Time to Time be laid, and Assessed by the General Assembly, together with the deficiencies and Abatements made on such Taxes: Also an Account of all Monies that may be received into the Treasury for Fines, Forfeitures, Penalties, and Confiscations, or by any way, or means whatever, together with an Account of all Debts due to this State, and from whom.*

To exhibit  
accounts to  
General  
Assembly.

And also a General or particular Statement of the Appropriation of the Monies received in as aforesaid, and in such manner as he may judge most Expedient to shew their real Situation, or according to such directions or Order as he may Receive from the General Assembly or (in their Recess) from the Governor.

To superintend the  
finances.

And such Comptroller shall have the General Superintendence of all Matters that respect the Subject of Finance, and shall advise as to the mode of keeping, Stating, adjusting and liquidating the public Accounts of this State, subject to the Control and Order of the General Assembly, and shall take suitable Care that the regular and necessary Checks in the Mode of keeping Accounts be instituted and maintained. And if any further Regulations may in his Opinion be necessary to compleat the System of his Department, to lay the same before the General Assembly as often as he may think proper, and all Plans, and Calculations formed for the purpose of lessening the public Expences, and for using and improving the public Monies to the best Advantage, and that may serve to the furtherance and promotion of Frugality and Oeconomy in the public Expenditures, or that may have a tendency to establish and support the public Credit of this State by proper Funds, or otherwise, or that may in any Respect have Relation to the well Ordering and Regulating the Business of his Department and Office, shall be laid before the Legislature of this State for their Consideration by such Comptroller at the opening of every stated Session of Assembly.

New regulations to be  
laid before  
the General  
Assembly.

Orders on  
the Treasurer to be  
entered at the Pay-  
Table.

*And be it further enacted by the Authority aforesaid, That no Orders hereafter to be drawn on the Treasurer, shall be paid until the same shall be entered on the Books of the Pay-Table Office; and a Certificate of such Entry indorsed on such Orders by the Committee of Pay Table.*

This Act to continue and be in force Two Years from, and after the rising of this Assembly.

An Act for Erecting and Establishing a New County.

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Towns of Tolland, Tolland Coventry, Hebron, Bolton, Somers, Stafford, Willington, Union, and the County Parishes of Ellington in East Windsor be, and they are hereby constituted a County by the Name of the County of Tolland.

*And be it further Enacted,* That there shall be annually holden in said County two Courts of common Pleas, or County Courts, one on the third Tuesday of March, and the other on the third Tuesday of September in said Tolland, and also one Superior Court shall be holden in said Tolland in and for said County on the last Tuesday save one of January Annually. And all Causes already Instituted in the Counties of Hartford, and Windham in favour of, or against any Person or Persons in either of said Towns shall proceed to final Judgment, and Execution, and all Writs of Execution already Issued, shall be proceeded on as though this Act had not been made.

Time of holding Courts in Tolland County.

An Act in addition to a Law of this State Entitled "An Act for the appointing of Sheriffs and for empowering and regulating them in the Execution of their Office."

**B**E it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That the Sheriff of the County of Tolland for the Time being shall not appoint, or Impower more than the number of three Deputies to Act under him in said Office at any one Time.

Sheriff of Tol. County allowed to appoint 3 Deputies.

An Act in addition to an Act Entitled "An Act for providing and Regulating Jurors in Civil Actions."

**B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That the several Towns in the County of Tolland shall annually Choose the number of Jurymen as the Name of each Town annexed, viz.

Towns to choose Jurors.

Tolland, Twelve.  
Hebron, Ten.  
Coventry, Twelve.

Bolton, Eight.  
Somers, Ten.  
Stafford, Ten.

Willington, Ten.  
Union, Six.  
Ellington, Eight.

Names of Towns and number in each.

*And be it further enacted by the Authority aforesaid,* That the Civil Authority, Select-Men, Constables, and Grand-Jury-Men in the Towns aforesaid shall on the third Monday of June next, Choose their Jury Men to serve in the present Year.

An Act in further addition to, and explanation of an Act entitled "an Act for collecting, and paying Rates, or Taxes."

Preamble.

**W**H E R E A S by said Act it is Enacted, that all the Real Estate that any one is seized of and possessed of in his own Right in fee within this State, shall be liable to stand chargeable with all the public Taxes due from the owner thereof, and shall Remain as a Lien thereon until the same are fully paid, notwithstanding any subsequent Sale, or transfer thereof, or any Attachment thereon; And whereas by the Provisions of said Act for the Redemption of any such Estate, some Doubts have arisen whether any other Person has a Right to redeem Estate sold agreeable to said Act for the payment of Taxes than the Proprietor, or Proprietors for whose Taxes said Estate was sold, which Doubts to Remove.

Purchasers &c. may redeem estate sold for taxes on payment, &c.

**R**E S O L V E D by this Assembly, That the Intent, and meaning of said Act is, that any Proprietor, whether original, or an after Purchaser, or any Creditor Attaching such Estate, or their Heirs, may at any Time within the Time limited, Redeem said Estate, by paying the principal sum for which such Sale is made, and double Interest thereon, in the same Monies and Securities due as the Taxes for which the Sale was made, and all Cost arising thereon.

Creditors may redeem and hold the same as a Mortgage;

And it is hereby further Enacted by the Governor, Council, and Representatives in General Court Assembled, and by the Authority of the same, That for the future it shall and may be lawful for any Creditor, or Creditors to any Person whose Real Estate has been sold for Taxes, agreeable to said former Act, and not redeemed within the Time limited (By said Proprietor, or Proprietors, or their Heirs or Representatives or other Person attaching, previous to the Sale made for said Taxes) may Redeem the same in the same manner, as is provided for the Proprietor or Proprietors, on whose account such Sale was made, and shall hold the same as a Lien for security in Nature of a Mortgage, for so much as he shall advance for the Redemption thereof, and which shall be first paid out of the Avails of said Estate before any other Demand whatsoever.

and be paid principal and double interest.

And it is hereby further Enacted by the Authority aforesaid, That where any Creditor to the real Owner, or Owners of such Estate in Order to Clear the same from the Taxes, shall advance and pay the public demands thereon, whether before the Sale of such Estate at Auction, or after, shall be paid out of the Avails of such Estate, or otherwise, the full Value of the Monies, or whatever else he has so advanced, and double Interest thereon, before said Estate shall be cleared of that Incumbrance.

### An Act for the Sale of Lands belonging to this State.

Probate to order sale of lands belonging to the State.

**B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That the several Judges of Probate under whose Administration, or within whose Districts, any Lands belonging to this State are now unsold, may, and they are hereby Authorized and empowered to give Orders for the disposal of such Lands at private Sale, in the whole, or by parts, or at public Vendue, at discretion, as shall be found most Convenient, and beneficial for the State,

And said Judges of Probate respectively, are, hereby Authorized and empowered in behalf of this State, to make and Execute Deeds of Conveyance.

with Warranty, of such Lands in due form of Law, and the same shall be good, to execute Deeds.  
 uthentic, and legal Evidence of Title of such Lands to the Grantees, in the  
 vernal Courts of Law in this State.

And all such Land already agreed to be sold by order of Law, and Deeds  
 not yet given, may be confirmed to the purchasers by Deeds Executed by the  
 respective Judges of Probate as by this Act is provided. And said Judges of  
 Probate shall receive payment for all such Lands in Specie, or Liquidated  
 securities of this State for lawful Money, on Interest, and shall Render an  
 account thereof to the Treasurer of this State within one Year from the Time  
 of such Sale. receive pay-  
ment.

The Lands in New-Haven, New-London and Groton, appropriated for  
 building Forts, &c. for defence of this State, to be reserved for that Use, any  
 thing in this Act notwithstanding.

And be it further Enacted by the Authority aforesaid, That said Judges of  
 Probate shall call to Account all Persons in their several districts, who by Vir-  
 tue of any Law, or otherwise, have had the Possession of any Estate for the Use call Losses  
to account.  
 of this State, and not duly Accounted for the same, and Receive Payment as a-  
 foresaid, and pay the Ballance that shall be due into the Treasury; And in  
 Case any Person, accountable as aforesaid, shall neglect or refuse to Render an  
 Account, it shall be the Duty of such Judge of Probate to proceed in a due  
 Course of Law against such Person, in the Name and behalf of this State, to  
 final Judgment and Execution for recovery thereof.

## An Act in addition to a Law of this State Entitled "An Act for collecting and paying Rates or Taxes."

*WHEREAS various Opinions, and practices have been adopted, relative to  
 what Fees might lawfully be received, by Sheriffs charged with Executing  
 Distresses, or Warrants Issued by the Treasurer for collecting Taxes due to the  
 State, And Whereas it is necessary that the Law be made Clear, and Definite in  
 this respect, and that adequate provision be at the same Time made to pay said Offi-  
 cers charged with the aforesaid Collections.* Preamble.

BE it therefore Enacted by the Governor, Council, and Representatives in Ge-  
 neral Court Assembled and by the Authority of the same; That the same Sheriff's fees  
on Treasurer's  
warrants;  
for collecting;  
 Mileage shall be allowed the Sheriffs for Executing said Distresses, or Warrants  
 Issued by the Treasurer of the State, as is by Law allowed to Sheriffs for Writs  
 of Summons, or Attachment; and that said Sheriffs be allowed to collect of the  
 Person, or Persons against whom any such Distress, or Warrant shall Issue, one  
 Shilling on the Pound, for the first Pound, and three pence on the Pound for  
 every subsequent Pound, which he shall really and truly Collect for the Use of  
 the State; which Fees shall be payable in Specie, or Bills of Public Credit, or  
 public Securities in the proportion, and as the same is demanded by such War-  
 rant, not counting Fees on any Sum which may be paid to the Treasurer by any  
 Person, or Persons against whom said Warrant or Execution issued.

That whenever any Sheriff shall Commit any Person, or Persons to Prison,  
 by Virtue of such Warrant, he shall be allowed besides his said Mileage, the for committing  
to prison.  
 same Fees for his Assistance as is by Law allowed for Executing Writs of Exe-  
 cution, and shall also be allowed upon any such Commitment, and for a Copy  
 of his Distress, or Warrant, six shillings on every such Warrant not exceeding Google

One hundred Pounds, and six shillings on every subsequent Hundred Pounds contained in such Warrant, and which shall appear to be due at the Time of Commitment, payable in Specie, or Bills of Public Credit, or in the public Securities, according to, and in the proportion which shall be demanded by such Warrant, and which Fee, and Costs shall be distinctly Charged by said Sheriff on every Warrant which they shall Return to the Treasurer.

on return of  
new off-iss.

And in Case of a Return of *Non est Inventus* on any such Distress and Warrant the Sheriffs shall be Entitled to Mileage or Travelling Fees only.

Former fees  
to be paid on  
Alias Execu-  
tions.

That the Treasurer of the State whenever he shall Issue an Alias Distress or Warrant in Consequence of such Commitment, shall insert under the Title of Costs the amount of such Fees, and Costs lawfully charged, and when it shall be necessary, Reduce the same to Specie at the Current Exchange at the Time when such Alias Warrant shall Issue, and said Treasurer shall also proceed in the same manner in settling the Fees and Costs upon the Returns of all such Warrants in his Office, upon which no Alias Distress or Warrant has been Issued.

An Act in addition to a Law of this State " Entitled An Act for regulating the Election of the Governor, Lieutenant Governor, Assistants, &c.

Freeman's  
Meetings in  
Tolland  
County.

**B**E it enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That the meetings of the Freemen in the several Towns in the County of Tolland for the purposes mentioned in said Act, shall be on the first Monday after the first Tuesday of April, and on the second Tuesday of September annually.

An Act in addition to, and alteration of the Statute Law, for laying an Excise on fundry Articles of Consumption within this State.

Retailers, &c.  
to exhibit  
manifests  
on each :

**B**E it enacted by the Governor, Council and Representatives in General Court assembled, and by the Authority of the same, That all such Retailers, and Consumers of any Goods, Wares, and Merchandize which by said Act, or by any Law of this State, are or shall be subjected to the payment of Excise as have not kept a particular Account of such Articles as aforesaid, as they have sold by Retail, or consumed since the first Day of January 1785, shall when required by the Collector, or his Deputy, or within Eight Days afterwards, and before the first Day of September next, Exhibit to such Collector or his Deputy a true Manifest in writing under the Oath of such Retailer, or Consumer, of all such Goods, Wares, and Merchandize by Law subject to Excise, as he, or they have sold by Retail, or Consumed since the first Day of January A. D. 1785, and until the Time of rendering such Manifest on which the Excise hath not been paid according to his, or their best Knowledge, and Judgments and shall pay the Excise thereon as the Law Requires.

And once in  
six months.

And all Retailers, and consumers of any Articles subjected by Law to the payment of Excise, shall once in six Months, that is to say, on or before the first Day of January, and July in each Year, Exhibit to the Collector of Excise or his Deputy a true Manifest in Writing on Oath of all such Goods on which the Excise hath not before been paid, and shall produce the original Invoice

of Bills of Parcels thereof as Vouchers, and shall if required give true Copies of all such Invoices or Bills of Parcels to such Collector, or his Deputy, and shall pay the Excise by Law required on such Articles, or secure the same with Surety to the Satisfaction of such Collector or his Deputy; payable to the Treasurer of this State, one half thereof at the End of three Months, and the other half at the End of Twelve Months from the Date of such Securities and Interest after payable until paid.

And the Oath to be taken as aforesaid, shall be in the Words following (to wit) *You swear by the Name of the everliving GOD that the Manifest* Oath  
*you now exhibit to me is true, and that the Prices set to the Articles therein*  
*Enumerated, are the Prices at which those Articles were Bona Fide bought,*  
*and that the same contains all the Articles you have on Hand, or have sold by*  
*Retail, or Consumed or otherwise disposed of within Six months last past, Sub-*  
*jected by Law to the payment of Excise, on which the Excise hath not been paid,*  
*nor secured to be paid, and that the Invoices you now exhibit are the true In-*  
*voices containing all the Articles specified in said manifest.*

So help you GOD.

And every such Retailer or Consumer who shall neglect or Refuse to observe and keep the Laws that are, or shall be made, and in force concerning Excise Penalty, and being duly Convicted thereof, shall pay a Fine to the Treasurer of this State to the Amount of fourfold the Sum of the Excise which in the Judgment of the Court that shall have Cognizance thereof, such Person or Persons so neglecting or refusing ought to have paid, and shall pay Cost of Prosecution.

And it shall be the Duty of the Collector of Excise in each County or his Deputy as often as once in six months to make due presentment to the Court of Collector to  
common Pleas in their respective Counties of all Breaches of this Act, or to any make Pre  
Assistant or Justice of the Peace, where in the Opinion of such Collector the sentment.  
nature of the Offence doth not require a greater Penalty than by the Laws of this State, such Assistant or Justice of the Peace may give Judgment for, and upon such Complaint such Assistant or Justice of the Peace may proceed to give Judgment for a Penalty not exceeding Four pounds.

And all Prosecutions now depending against any Person or Persons for the Breach of any Law concerning Excise shall Cease, and Determine upon his, or Former Prosec-  
their first conforming to this Act by paying the Excise according to the provi- tutions to  
sions thereof and the Interest thereon from the Time such Excise ought to have cease on pay-  
been paid, and paying Cost of such Prosecution, any Law of this State notwith- ment, &c.  
standing.

An Act in addition to, and alteration of an Act in further ad-  
dition to and alteration of an Act for levying, and Collecting  
a Duty on certain Articles of Goods, Wares, and Merchand-  
ize imported into this State by Land or Water, and one  
other Act for laying an Excise on sundry Articles of Con-  
sumption within this State;

BE it enacted by the Governor, Council, and Representatives in General Court  
assembled, and by the Authority of the same, That the several Naval Off-  
Z z

Naval Officers, &c. render account to the Pay-table.

gers, Collectors of Impost, and Collectors of Excise duly appointed and qualified, shall on the first Days of April and September annually Render to the Committee of Pay Table a True Account of all the Monies Collected, and several kinds of Securities received for Impost or Excise by them or their Deputies, and pay and deliver to the Treasurer of this State the Monies Collected, or Certificates for Interest received as aforesaid taking duplicate Receipts therefor, one of which shall be by them lodged in the Office of the Committee of Pay Table, any Law to the contrary notwithstanding.

Pay-table to send a copy to the Clerk of County Court

And by it further enabled by the Authority aforesaid, That the Collectors of Excise in rendering their Accounts as aforesaid shall state the Amount of the Excise received in each Town from which they are empowered to Collect, as also from the Individuals, and that the Committee of Pay Table shall from Time to Time transmit a Copy of the Account of Excise rendered by the Collector of Excise to the Clerk of the County Court in the County on which said Collector belongs.

An Act in addition to a Law of this State Entitled " an Act  
" for forming, ordering, and regulating Societies.

Preamble.

WHEREAS in and by said Act where two, or more Societies constituted by All of the General Assembly have the same Limits, and Boundaries, and there happens to be new Inhabitants within said Limits Provision is made to which of said Societies they shall belong, but no provision is therein made to which of the said Societies the Taxes arising on the Lands of Non Resident Proprietors shall belong, which Occasions much Difficulty and Dispute, which to prevent.

Society taxes on non residents where payable.

BE it enacted by the Governor, Council and Representatives, in General Court assembled and by the Authority of the same, That in all Cases where there now are or hereafter shall be, two or more Societies within the same Limits constituted as aforesaid, the Society Taxes arising on all Lands and other Estate belonging to Non Resident Proprietors, shall be, and belong to the Society lowest in the List within such Limits which support the Ministry by Taxing.

An Act in addition to an Act for the direction of Listers in their Office and Duty.

Meadow Lands in Middletown, &c. Now set in the List.

BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That all Meadow Lands in the Towns of Middletown, Haddam, East-Haddam and Chatham in the County of Middlesex, whether Improved for Plowing, or Mowing, shall be set in the List at 15 Shillings per Acre, except Bog Meadow, which Bog Meadow, and all other Lands in said County of Middlesex, and in the County of Tolland shall be set in the List at the same Rate as the Lands in the Counties of New-London and Windham.

An Act in addition to an Act Enacted "an Act for constituting Judges, and Justices of the Peace in this State and for empowering and directing them in their respective Offices.

**B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That for the future where it shall so happen, that there shall be so near a Relation between any Judge or Justice and any of the Parties, as between Uncle and Nephew, either by Nature or Marriage, such Judge, or Justice shall have no power to Vote, or give Sentence therein, any thing in said former Act notwithstanding.

Uncle, &c.  
by marriage  
not to judge.

### An Act for the Encouragement of raising Sheep.

**B**E it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the Authority of the same, That all owners of any Sheep in this State after the first Day of January 1787, may annually during the Continuance of this Act, insert and Certify in their several Lists of Polls, and Rateable Estate given in to the Listers of the respective Towns to which they belong, an Account of the Number of Grown Sheep which they severally owned at the Time of shearing from which a Coat, or Pleece of Wool was shorn, or taken in the Season next preceeding the giving in such List while their Property. And thereupon the said Listers in making up the Lists of Estate as aforesaid, shall Credit, and deduct from the Sum Total of the Lists of such Owners of Sheep to the Amount and at the Rate of four Shillings per Head for each such Sheep shorn as aforesaid. And the said Listers shall also annually transmit to the General Assembly in their Return of the Lists of their respective Towns, the whole Number of Sheep in each Town inserted in the Lists as aforesaid.

Shall to be  
credited in  
Lists.

Be it further Enacted and provided, That if such Listers by inspecting the Lists of rateable Estate as the Law directs, shall find that any Person or Persons have inserted in their said List, any greater number of Sheep than were actually owned, and Shorn as aforesaid, it shall be the Duty of such Listers to add to the List of such Person or Persons the whole Sum which by Virtue of this Act they had deducted, and also at the rate of sixteen Shillings per Head for each surplus number inserted as aforesaid.

Persons giving  
false list  
to be four-  
folded.

Be it further Enacted by the Authority aforesaid, That any Number of Sheep not exceeding Twenty, the property of any One Person shall not be liable to be taken, or disposed of by Warrant, or Execution for any Tax or Debt whatsoever, from and after the rising of this Assembly and during the Continuance of this Act, and this Act shall be, and remain in force until the first Day of January, which will be in the Year One Thousand seven Hundred and ninety.

Sheep ex-  
empted from  
Executions,  
&c.

An Act in addition to a Law of this State, Entitled " An Act  
for Levying and collecting a Duty on certain Articles of  
Goods, Wares, and Merchandize imported into this State by  
Land or Water.

Additional -  
Duty on nails  
imported.

Provide.

**B**E it enacted by the Governor, Council, and Representatives, in General Court  
Assembled, and by the Authority of the same, That a Duty of One Half pen-  
ny Lawful Money in addition to any Duty already laid, shall be paid on each  
Pound of Nails imported into this State by Land or Water from and after the  
first Day of January next for the Term of Five Years, to be collected and paid in  
the same manner as is already provided by Law in Regard to Duty on other  
Articles. Provided that nothing in this Act shall Extend to Nails wrought,  
or manufactured in these United States.

# A NEW I N D E X TO THE STATUTES OF CONNECTICUT.

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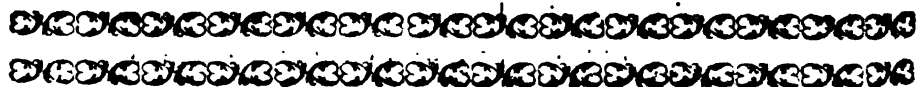
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